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GENERAL HEADINGS.

Cases Reported this Week.

Current Topics.

The late Mr. J. J. D. Botterell.

THE NEWS of the death of Mr. J. J. DUMVILLE BOTTERELL will have been received by a wide circle of brother lawyers, clients and friends with great regret. Mr. BOTTERELL died suddenly at his office on Friday, the 11th inst. Recently he had been in partnership with his two sons in the firm of BOTTERELL and ROCHE, whose position in the City is well known. He was President of the Law Society for the year 1920-21, and presided at the Provincial Meeting held at Scarborough in October, 1921.

The Law of Property Consolidation Bills.

IT WILL BE seen from a reply given by the Attorney-General, which we print in our Parliamentary news, that there is small chance of the Bills to consolidate the Law of Property Act, 1922, and its cognate statutes, being introduced this Session. We believe that the work of drafting them has proved extremely heavy. As to whether this means the postponement for another year from 1st January, 1925, of the new system coming into force no announcement has at present been made; though, if the preparation of the Bills is proceeded with, as no doubt it will be, this year, and they are introduced early next year in the perfect form which the Attorney-General has said he desires them to attain, there would seem to be no real necessity for postponement.

Our weekly Trustee Investment List.

THE INVESTMENT of trust funds is a matter which solicitors so continually have to consider that the list of trustee investments with current prices, which we give this week, and which we propose to continue weekly, will, we hope, be useful. It does not, of course, comprise all trustee investments. These probably run into a couple of hundred or more. And we forbear from calling it a list of selected investments, for selection implies recommendation. But it is a list containing certain of the investments which may be useful for consideration by the advisers

of trustees. With regard to the securities of the new amalgamated railway companies, it should be noticed that debenture and preference stocks are made trustee securities by s. 15 of the Railways Act, 1921. This provides that for the purposes of the Trustee Act, 1893, an amalgamated company shall be treated as if it were a railway company incorporated by Special Act, and had, in each of the ten years immediately before the date of amalgamation, paid a dividend of not less than 3 per cent. on its ordinary stock: see Trustee Act, 1893, s. 1 (*g*).

America and the League of Nations.

Among the services which Lord Robert Cecil has rendered to the League of Nations and the cause of International Peace, not the least, perhaps, is his recent visit to America, and the account of it which he has given in his three articles in *The Times* of the 10th, 11th and 12th inst. Objections to the League in America are, as is well known, based on the repugnance to being mixed up in European quarrels, and the possibility that Arts. X and XVI of the Covenant might have this effect. Lord Robert was seriously asked at an interview whether it was not true that there were sixty wars going on in Europe at the present time, and while the "sixty" is a palpable exaggeration, there is enough in the condition of Europe, and, in particular in the French occupation of the Ruhr and the oppression of its people, to make outsiders pause before regarding the League as a success. But isolation for America is, as Lord Robert points out, impracticable, and this, he says, is recognized by almost every serious person in the United States. If, however, contact with Europe is necessary, America demands that there shall be no more war—a demand which, with an important section, requires the "outlawry of war." This, it may be anticipated, is what the future has in store, and with it must come the definite establishment of the Court of International Justice as the final arbiter of all disputes between nations, just as the courts of each country are the final arbiters there. In this view there is no room for any distinction between disputes which are justiciable or not; any more than there is room for any such distinction in disputes between individuals. If resort to force is barred, the decision of the court must prevail in all disputes. That is the lesson of the recent war, and is the only reasonable basis for international relations. As to America's participation, Lord Robert Cecil says he came away as convinced as he was before he went that sooner or later the United States would join the League in some form or other. "In my view the League is a live organisation, gradually increasing in power and authority. I cannot believe that anyone who has attended the three assemblies of the League will doubt this. The League is a far stronger body than it was three years ago." We are glad Lord Robert feels justified in using this language.

The Liberty of the Subject.

The House of Lords have held that they have no jurisdiction to entertain an appeal from the decision of the Court of Appeal in *O'Brien's Case* (reported elsewhere), on which we commented last week, and accordingly that case decides by the unanimous judgment of the court that the recent Irish deportations were illegal. Mr. O'Brien has been sent back by the Free State Government, and was produced on Wednesday in the Court of Appeal in answer to the writ. That he has been arrested and charged at Bow Street has, of course, nothing to do with the decision, though it shows that that was the procedure which should have been adopted at first. It appears, also, that all the other persons illegally sent to Ireland have been returned, and it is stated that proceedings will be taken against some of them. But this implies that there is no ground for proceeding against the others, and obviously they should never have been arrested. Of the series of recent cases in which the autocratic power of the Executive has been successfully challenged this is the most important, and will, we imagine, take its place as a leading decision in Constitutional Law. Other cases, such as the *De Keyser Case* and the *Wilts Dairy Co.'s Case*, were important, but they only affected property. *O'Brien's Case* shows that the courts are open to protect against Executive interference the still more important right of personal liberty.

The Penalties for Foreign Transportation.

It appears that there is to be a Bill of Indemnity for the Home Secretary, and since this will raise political considerations we do not desire to discuss this course in any detail. The Lord Chancellor stated in the House of Lords on Wednesday that the action of the Home Secretary was taken on the advice of the Law Officers of the Crown. That, says Lord Cave, was advice which he was entitled to take and to act upon. This may be so, but we can hardly imagine that the Law Officers would advise that the deportations were legal without at the same time saying that the matter was doubtful. If they did, it was advice that should not have been given. If, as presumably was the case, they said the matter was doubtful, the responsibility rests solely on the Home Secretary. No doubt, also, the Law Officers told the Home Secretary that if he was wrong in sending the suspects to Ireland, he would be liable under s. 11 of the Habeas Corpus Act, 1679—which forbids sending an inhabitant of England as a "prisoner into Scotland, Ireland, Jersey, Guernsey, Tangiers," or into any places beyond the seas—to treble costs and damages of not less than £500, and also to various penalties, including the penalties imposed by the Statute of Præmunire of 16 Ric. 2, without the possibility of pardon; that means outlawry and forfeiture of lands and goods. Altogether a very terrifying state of affairs. Whether the Home Secretary should get a complete indemnity it is not for us to say: the question has too much of a political complexion. But Lord Cave said that the Government are considering the real effect of the regulation in question so as to have the actual position cleared up. But though he had been asked to explain why an Order in Council was made while the matter was *sub judice* with a view, as was said in the Court of Appeal, to strengthening the position of the Government, no answer appears to have been given.

Habeas Corpus in the House of Lords.

Although the House of Lords has reserved its reasons for declining to hear the appeal in *O'Brien's Case*, the result appears to be sufficiently clear. It has long been the settled practice that in questions involving the liberty of the subject there is an appeal from refusal of the writ of *Habeas Corpus*, except where the cause is a "criminal matter," in which case the jurisdiction of the Court of Appeal is precluded by the Judicature Act, 1873, but no appeal from an order granting the rule absolute: *Cox* v. *Hakes*, 15 App. Cas. 506. The reason for this turns on the history of the writ. Prior to 1873 the applicant could apply in succession to each Common Law judge until he found one to grant the writ or until all had refused it. The Crown Office Rules made under the Judicature Acts revised this procedure; the application had to be made in future, not to a single judge, but to the Divisional Court. In place of the right to renew applications, a right of appeal to the Court of Appeal was given; but nothing was said about an appeal where the rule had issued. Of course, custody of infants cases rest on a different principle; there the writ does not order the discharge of the infant from custody—as it does in an imprisonment case—but merely orders a transfer of custody; therefore, in such cases, an appeal from an order absolute has always been recognized: *Barnardo* v. *Ford*, 1892, A.C. 326. An ingenious attempt to distinguish between a rule absolute for discharge made by the Divisional Court, and one made by the Court of Appeal, was made by the Attorney-General in *O'Brien's Case*; but it turned on a highly technical construction of the right to appeal to the House of Lords from the Court of Appeal under the Appellate Jurisdiction Act, 1876, s. 3. Naturally it did not convince the House of Lords. On the appeal, for reasons of convenience, the House adopted a novel but quite defensible procedure; instead of asking the respondent to argue his preliminary objection to the jurisdiction, it treated his argument as heard and called on the Attorney-General to open in support of the jurisdiction.

The Public Trustee's Report and Infants' Money.

WE HAVE RECEIVED two Reports affecting the Public Trustee's Office which we can only shortly refer to this week: one is the Public Trustee's General Report for the year ending 31st March last; and the other is the Report of the Committee appointed by the Lord Chancellor "to inquire and report as to the policy which should be adopted for the administration of money or damages recovered by or awarded to infants in any cause or matter in the King's Bench Division of the Supreme Court (including damages under the Fatal Accidents Act, 1846), both generally and in particular with reference to (*a*) the method of administration, and (*b*) the cost of administration." This Committee was appointed last March in consequence, we believe, of criticisms made in the High Court on the inconvenience of entrusting such money to the Public Trustee for administration. It is satisfactory to find the Public Trustee reporting, as the result of the year's working, a surplus of £75,490, as compared with a deficit of £41,295 for the previous year, and of £98,537 for the year 1920-21—a result which, he says, is due, not so much to increase of revenue as to reduction of expenditure, attributable, in turn, partly to the drop in the civil service bonus, but mainly to the cumulative effect of economies resulting from re-organization. The surplus, it should be noted, is solely on the Public Trustee's Office; Custodianship of Enemy Property is kept distinct, and shows a surplus of £2,432. As to infants' money, the Committee consider that administration by the Public Trustee's Office "cannot be conducted . . . with the care and completeness it requires without the expenditure of an amount of money disproportionate to the amount to be administered, unless his fees are substantially increased." As an alternative, they recommend administration by the County Court on the same lines and at the same fees as in regard to moneys paid in under the Workmen's Compensation Acts. County Court Judges and Registrars are the natural persons to undertake any odd jobs that are going about, and the tendency may be to overburden them. But in this case they seem to be the appropriate authority to act as quasi-guardians.

Damages for Loss of Site Value.

THE CASE of *Wills* v. *May*, *ante*, p. 350, shows that problems of site value may arise otherwise than in connection with the late land value taxes. Here ancient lights had been obstructed by building operations; damages for the obstruction had to be assessed; and the learned judge had to consider the question how far the "site value" of the property had been diminished by the nuisance. The neighbourhood of the property was changing from a residential to a commercial locality, and the owner of the houses damnified had purchased them in 1921 with a view to their conversion into a factory, a purpose for which the premises were adapted. They could have been converted at once providing the surrender of a lease were obtained, and failing that surrender, they could be converted at a future date. The obstructive building complained of had destroyed the utility of the premises for this purpose, or somewhat diminished it. It seems clear that in estimating damages the court ought to consider the diminished permanent value of the site, as well as immediate damage done; such site value damage is not prospective damage, which awaits assessment when it occurs, but present damage to the selling price of the property: *Griffith* v. *Richard Clay & Sons, Ltd.*, 1912, 1 Ch. 291. In the case just cited the houses interfered with were old, dilapidated, and likely to be demolished; indeed, the premises were ripe for development, whereas in *Wills* v. *May*, *supra*, they were not ripe for development unless and until the surrender of the lease mentioned could be obtained. It is therefore tempting to argue that in *Wills* v. *May* the damage is merely prospective, not present, damage; and, of course, it is trite law that mere future and contingent damage from a nuisance is not actionable until it has occurred. On the whole, however, while the point is quite arguable, the learned judge would seem to have taken the sound view in holding that damage to the site value, including the estimated loss due to possibility of future development, ought to be assessed now and added to the damages allowed for obstruction of the windows.

Statutory Distress for Rates.

SOME VERY ANCIENT law was considered by Mr. Justice MCCARDIE in the interesting case of *McCreagh* v. *Cox and Ford*, *Times*, 8th inst. It is well known that "beasts of the plough" cannot be seized on a distraint for rent or taxes, unless no other distress can be found: REDMAN'S Landlord and Tenant, 7th edit., p. 500. This exemption was conferred by an old statute, written in Norman French and of uncertain date, namely, the *De Districtione Scaccarii* of 51 Henry III, c. 4. It was contended, however, in *McCreagh* v. *Cox*, *supra*, that this exemption does not apply where a statute confers on some class of persons other than landlords an independent statutory right of distraint. The particular case was that of the Statute of Elizabeth, 1601, which enacted the Poor Law and conferred on Overseers of the Poor a right to obtain the warrant of a Justice of the Peace to levy distraint for unpaid poor rate. For complex reasons, largely connected with the wording of the statute and the incidents attached by it to the levy, the learned judge held that such a statutory distraint is not subject to the exemption of 51 Henry III, c. 4, and that "beasts of the plough" can be taken under it.

Ignorantia Juris Neminem Excusat.

THE ALL-IMPORTANT maxim of our jurisprudence, *Ignorantia juris neminem excusat*, is always finding novel and unforeseen applications in actual decisions of the courts. The latest of these is "*The Kashmir*," 39 T.L.R., 197. Here a claim against a vessel *in rem* or against its owners *in personam*, seeking to recover damages for loss of life, was set up in an action which had not been commenced within two years of the occurrence of the loss. This limitation is fixed by the Maritime Conventions Act, 1911, which, however, provides that the court may extend the period of time for good and sufficient reason. The ground relied on for praying the exercise of its discretion by the court was that the petitioners were ignorant of their special rights under Maritime Law, and that they had commenced proceedings immediately on discovering them. This ground, the court has held, can never justify the exercise of its discretion by the grant of extended time. Parties and their legal advisers are deemed to know their legal rights and cannot be relieved if they fail to take the proper legal steps through ignorance of law. *Ignorantia juris neminem excusat*, it would appear, is not merely a special doctrine of the English Common Law, but applies also in the Admiralty Court. Whether it applies in Equity, or in the Ecclesiastical Courts, we believe, is a matter not yet definitely decided one way or the other.

A Juror's Inability to Hear Evidence.

A CURIOUS situation arose last week at the close of a case which was otherwise of no general interest: see *Dacosta* v. *Galloway, Ltd.*, reported *Times*, 12th inst. It seems that after the jury had retired to consider their verdict they returned in order that it might be intimated to the Court that they could not agree, and that the foreman stated that one of the members of the jury was deaf and had not heard the evidence, but that that fact was not the cause of their difficulties. It would be interesting to know to what degree the juror suffered from deafness. If he was "stone deaf" it is obvious that his physical infirmity should have been appreciated beforehand, and that he should have been excused from attending. On the other hand, indifferent hearing could hardly be regarded as an excuse justifying exemption from the performance of this public duty, and it is in accordance with common sense that a juryman should be entitled to enter a polite protest if at any time the proceedings are not being carried on in a reasonably audible manner. It would seem, therefore, that the only explanation which a juryman could, under any circumstances, justifiably offer at the end of a trial for having failed to hear the evidence would not be a plea of deafness, but would be one which he would be reluctant to give—namely, that, owing to the soporific influence of his unaccustomed surroundings, he had temporarily lost consciousness.

Conversion into Self-contained Flats.

Two recent cases have dealt with the interpretation which is to be placed on the phrase "self-contained flats or tenements" in s. 12 (9) of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, which excludes from the protection conferred by the statute the tenant of "any dwelling-house which has since . . . been *bonâ fide* reconstructed by way of conversion into two or more separate or self-contained flats or tenements." The first case, *Smith* v. *Prime*, reported elsewhere, was a decision of Mr. Justice ROCHE; the second, *Darrell* v. *Whittaker and Another*, *Times*, 2nd inst., is a Divisional Court decision of Mr. Justice LUSH and Mr. Justice MCCARDIE, on appeal from the Judge of Blackpool County Court. Both decisions in their several ways have helped to elucidate a very obscure provision of this not very lucid enactment.

ROCHE, J., on whose decision we commented, *ante*, p. 475, held in substance that, in order to be excluded from the statute, a house must satisfy three conditions precedent. First, there must be some physical acts amounting to "reconstruction," and this must be *bonâ fide*. Secondly, there must be such a change in the rooms as will give a kitchen to each flat. Thirdly, there must be a boundary within whose ambit all the rooms, but not necessarily all the offices, of each flat are contained. In the actual circumstances of *Smith* v. *Prime*, *supra*, these three conditions precedent were satisfied by comparatively slight alterations of the pre-existing dwelling-house. The "reconstruction" consisted in the introduction of a "gas-cooker" into one room of the upper flat. The "conversion" was satisfied by changing a *ci-devant* bedroom of the same flat into a kitchen. And the fact that all the rooms of each flat were on one floor, although bathroom and domestic conveniences were on a common landing, satisfied the third condition. The result is that scope has been afforded to the ingenuity of practitioners and of county court judges in the determination of this, one of the most difficult of all the practical questions arising under the statute.

Such was the position of the decided and reported law when *Darrell* v. *Whitaker*, *supra*, came before the Divisional Court a fortnight later than the case before Mr. Justice ROCHE. Here the question was one of apportionment. The tenant of part of a dwelling-house protected by the statute had applied to the Registrar of the Blackpool County Court for apportionment of the standard rent as between himself and the statutory tenant. The Registrar held that the case was one for apportionment, but on appeal the judge decided that the premises had been "converted" into flats, and therefore were outside the statute altogether, so that no jurisdiction to apportion existed; his decision was given as his inference from the facts and not as his conclusion in law, a course sanctioned by the Court of Appeal's view as to the duty of the apportioning judge in *Howe* v. *Martin*, *Times*, 28th Feb. And on appeal the Divisional Court found that he had not misdirected himself as to any question of law, or given a decision for which no evidence in law existed, so that his decision was one of fact and not appealable. The Court, however, had to consider whether there was any evidence at all on which the judge could so find, and in doing this they intimated rather clearly the sort of indications on which a judge must act in asking himself whether or not there has in fact been a conversion into "separate and self-contained flats."

The actual facts, put briefly, were these. Before 1914 the house consisted of a ground, first, second, and top floors. In 1921 the following alterations were made: the ground floor was converted into a shop with a sitting-room, scullery and latrine, and a separate entrance to the street. The first floor was let off as an office. The two upper floors, which were occupied by the tenant who claimed apportionment, were dealt with in this way: a separate latrine was provided by partitioning off a part of a bedroom and putting in the sanitary apparatus; a scullery was provided by putting a boiler and a sink into the rest of the room thus partitioned; but no new entrance-door was provided, nor were fireplaces or gas-stoves added. The old street-entrance now served as common entrance to the office on the first floor and the flat consisting of the two upper floors. So the question was whether these not very considerable, nor very costly or expensive, alterations amounted to a conversion of the premises into three, namely, a shop, an office, and a flat, in respect of which a much higher rent could be obtained than the standard rent contemplated by the Act.

Now, if Mr. Justice ROCHE's lucid and ingenious construction of s. 12 (9) be applied to the state of facts just summarised, there is certainly no difficulty at all in finding that ample evidence exists to justify a finding of "conversion." For, in the first place, there are physical acts of "reconstruction"—the making of a separate entrance and the addition of conveniences to the ground floor, and the addition of sanitary appliances, a boiler, a sink, and a partition to the upper floor. Secondly, there is conversion into a separate flat, for a room became a shop on the ground floor, and a bedroom became a scullery and latrine on the upper floor. Also the three sets of premises thus severed from one another are clearly "self-contained" within the learned judge's interpretation of that term, for in each of the three cases all the rooms of each flat are within the same horizontal boundaries, *i.e.*, between the same floor and the same ceiling. So that, if the Divisional Court accepted Mr. Justice ROCHE's view as a correct and adequate statement of the law, the decision of the county court judge was manifestly correct. As a matter of fact, in substance, both judges in the Divisional Court agreed with the general principle enunciated by Mr. Justice ROCHE, and therefore his decision was followed and applied to the facts, so as to exclude the premises from the operation of the statute. But, as each of the learned judges expressed in his own words his own view of the principle to be applied, and as each stated it in different terms, both from his colleague and from Mr. Justice ROCHE, it is useful to note briefly these two additional versions of the meaning of the sub-section.

The principle adopted by Mr. Justice LUSH is reported as follows: "In his view the intention of the Legislature in enacting s. 12 (9) was that self-contained flat meant a complete residence. It was a flat which contained in itself all that was reasonably necessary for persons in the class of life who occupied such a flat as a residence. There was no necessity to have the rooms all shut off by one outer door. The presence of a partition would not make a flat a self-contained flat, nor would the absence of a partition prevent it from being self-contained."

It will be seen that here a different test of "self-containedness" is set up, not that of Mr. Justice ROCHE, although the learned judge imagined that he was following *Smith* v. *Prime*, *supra*. For in *Smith* v. *Prime* the flat would *not* have satisfied Mr. Justice LUSH's test—it was not a complete residence and did not contain within itself the conveniences necessary to such a completeness of privacy, but shared them with another flat. In *Darrell* v. *Whitaker*, however, the upper flat was self-complete in this sense. This self-completeness is clearly a very different test from the condition of being all comprised within one boundary which Mr. Justice ROCHE laid down as the test of a "self-contained" flat. The one test looks to the inner fullness of the contents of the dwelling as such: the other looks to its outer boundaries demarcating its identity from that of a neighbouring dwelling.

Mr. Justice MCCARDIE's view, based on the definition of "self-contained" in Stroud's Judicial Dictionary, follows that of his colleague, Mr. Justice LUSH, rather than that of Mr. Justice ROCHE; but he preferred the term "self-sufficiency," rather than "self-completeness" as the test. In his opinion, "the flat of a tenant must contain within itself provision for the living and sleeping of a man and his family." Here a new requirement is added; the flat must be capable of accommodating "a family." Apparently this conversion into separate living-rooms, each sufficient for a single person, although satisfying

the test of completeness as regards facilities for living and sleeping, would not be sufficient. The "flat" must be large enough to afford accommodation for a "family." This adds a new and difficult test to those suggested by Mr. Justice ROCHE and Mr. Justice LUSH. Certainly, however, the notion of "self-contained flat" does suggest to everyday persons some minimum of size as a house.

Access to a Garage.

IN these days of the increasing popularity of motoring, it not infrequently happens that the owner or occupier of premises contemplates for the first time the erection of a garage; and in addition to the usual precautions of complying with local building bye-laws, estate conditions, and covenants in a lease (if any), a further difficulty may be met in the circumstances hereinafter indicated.

A local authority, having taken over a certain road within their area, proceed to plant trees at intervals along the edge of the pavement. A few years later, the owner of one of the houses in the road is desirous of building a garage adjoining his house, but finds that the centre line of the most direct and convenient access for a motor-car between the garage and the road is obstructed by one of the council's trees. What are the relative rights and remedies of the householder and the council respectively? In endeavouring to put forward an answer to this question it is proposed to consider the several points, affecting both public and private rights, which arise not only in the circumstances of the case referred to, but, as far as possible, generally.

A local authority has no general powers to plant trees in a public highway, and may be indicted (presumably for obstruction) in respect of any such unauthorised act; but that remedy is open to objection as being costly, somewhat cumbersome, and not necessarily effective for securing the removal of the tree. Notwithstanding the planting of the tree may have been unauthorised, it appears that liability for penalties would nevertheless be incurred by any person displacing or injuring the same (see s. 149 of the Public Health Act, 1875). A local authority may, by adopting the relevant provisions of the Public Health Acts Amendment Act, 1890, obtain power to plant trees in any highway repairable by the inhabitants at large, provided the trees are so planted as not to hinder the reasonable use of the highway by the public or any person entitled to use the same, or become a nuisance or injurious to any adjacent owner or occupier. The latter words are somewhat wide, and might at first sight appear to afford sufficient protection to a householder in the circumstances instanced above, but in the absence of direct authority on the point, it is perhaps advisable to consider somewhat closely the nature of the "nuisance" or "injury" to which the section is intended to refer.

One may pass over such questions as possible damage to an adjacent lawn or garden from roots, falling leaves, over-hanging branches or "drip," detriment to the house from obstruction of light, air or view, and other discomforts and inconveniences; and proceed to the consideration of questions relating to the interference with ingress and egress. The right of the owner of land abutting upon a highway to reach the highway from any part of his land adjoining the highway is a private right for the interference with which he may maintain an action. The interference must, however, be substantial; it is not sufficient that the access should be made rather less convenient, if the premises can in fact be reached (*cf. A.-G.* v. *Thames Conservators*, 1862, 1 H. & M. 1). If, therefore, the tree still leaves room for the passage of a motor-car to and from the premises, even though by a curved instead of a straight route, it is probable that no actionable injury is caused to the private rights of the occupier.

Somewhat related to, but distinct from the question of access, is the right of the occupier of the premises to transport goods across the footway to the premises from a vehicle in the roadway. This is not a private right but one which the householder enjoys as one of the general public entitled to use the highway.

The distinction between the two rights above mentioned is clearly indicated by the case of *W. H. Chaplin & Co. Ltd.* v. *Westminster Corporation*, 1901, 2 Ch. 329, where the defendants had in pursuance of their duty as the lighting authority erected a lamp-post outside the plaintiffs' premises. The plaintiffs based their claim upon interference with a private right of access to their premises from the adjoining highway, and it appeared that their main objection was to the obstruction of their business in the loading and unloading of goods. The court found that the interference (if any) was to a public right and not to a private right, but that upon the facts there was no obstruction in a reasonable sense; and the action was dismissed.

Somewhat similar questions arose in the earlier case of *Goldberg and Sons, Ltd.* v. *Liverpool Corporation*, 1900, 82 L.T. 362, where the local authority had in pursuance of its statutory power as a tramway authority erected a pole and fuse box in front of the plaintiffs' premises.

Upon the whole, it is probable that the wiser course for the householder, faced with a difficulty such as that in question, to pursue would be to negotiate with his local authority for the removal of the tree upon amicable terms, even if the whole or part of the cost of removal be borne by him, rather than risk reliance upon his bare legal rights in the matter, as to the result of which there appears to be considerable doubt.

Different considerations might arise as regards trees planted in a road on or in connection with the laying out of a building estate by the building owners before dedication; and, in any event, it is advisable for every householder, particularly where, although there is no garage at present, facilities for future erection may exist, not to overlook the importance under modern conditions of preserving free access for a motor-car; and, as far as possible, to guard against the placing of trees, lamp-posts or other similar obstructions in such a position that the free and most convenient enjoyment of an originally inherent right might be abrogated, yet only to a degree which would render practical redress a matter of some difficulty and expense.

G. G. C.

Habeas Corpus and the Scots Law of "Running the Letters."

WHILE the decision of *Rex* v. *Bridgeman, ex parte Art O'Brien*, reported p. 553, secures the liberty of Irish deportees arrested in England, the position is somewhat different as regards persons arrested in Scotland. To begin with, the English *Habeas Corpus* Acts of 31 Car. II. 2 and 56 Geo. III, c. 100, have no application whatever in Scotland. There is a Scottish statute, the Act of 1701, c. 6, dealing with "wrongous imprisonment," which is sometimes known as the Scots *Habeas Corpus* Act, but which is radically different in its scheme and operation, and does not serve equally effectively the general purpose of safeguarding the liberty of the subject. In the next place, it is not the Home Secretary nor the Secretary of State for Scotland who controls the administration of justice in Scotland; it is the Lord Advocate. The Home Secretary's functions are practically limited in Scotland to some statutory control of prisons and to acting as legal adviser to the Crown in respect of the Prerogative of Mercy; the Secretary of State for Scotland exercises those functions of a Minister of Health formerly vested in the Home Secretary in England. The Minister of Justice is the Lord Advocate, and it is he who incurs responsibility in Scotland for illegal arrests made under his direction by the officers of the law.

England, unlike Scotland, had a common law remedy of *Habeas Corpus*, and all that the famous statute of Charles II did was to impose penalties on judges who delayed or defeated it and to make the remedy generally more available. Scotland possesses neither a common law nor a statutory writ of *Habeas Corpus*. The only remedy of a person illegally arrested by public authority is to initiate proceedings for "*reparatio injuriæ*" (*Anglicé*, damages) for the "delect" or "fault" of "wrongous imprisonment," against the Lord Advocate or other officer concerned. This action existed at Common Law; the statute of

1701 simply gave precise definitions of the conditions under which it will lie. It did not provide any summary procedure by Prerogative Writ to compel the production and release of the prisoner. And no such procedure is even nowadays available north of the Tweed.

The preamble of the Scots Act of 1701 says that its object is "for preventing wrongous imprisonment, and for preventing undue delay in trials." The main purpose of the statute is to define what is, and what is not, "lawful imprisonment." Any imprisonment outside the terms of the statute is *primâ facie* "wrongous" and actionable in delict. In substance the statute confines lawful imprisonment to four categories :—

(1) Imprisonment for a criminal cause under a warrant.

(2) Detention under security for keeping the peace.

(3) Imprisonment for contempt in *facie curiæ*.

(4) Arrest without warrant for grave offences, such as murder and theft.

Of these, the first is obviously the most important, and it is the necessity of complying *strictly*, not merely substantially, with the requirements of the statute which gives it most of its efficacy in practice.

Arrest, then, except in the cases mentioned under (2), (3) and (4), must be preceded by the issue of a warrant by a justice or officer, such as the sheriff, authorized to act as a justice. The warrant must be "written and signed." It must specify the name or description of the accused. It must specify clearly and in the exact terms of law the nature of the offence alleged. It must be issued only on an information of a "precise criminal charge"—not merely of suspicion—signed by the informer. The person accused must receive a copy of the warrant. The effect of this is automatically to render "wrongous" any imprisonment upon a warrant which names as the offence breach of any statute or regulation which the court subsequently holds to be misinterpreted or *ultra vires*. The drafting of the warrant, therefore, is a matter of great importance. The necessity of drafting it accurately is a great safeguard to liberty, since it compels the pursuer to show a *primâ facie* legal offence when he asks for the warrant.

Like the English *Habeas Corpus* Act, the Scots statute provides for the granting of bail in all cases (including sedition) other than offences capital at the date of its enactment—a considerable limitation on the right. The prisoner is entitled as of right to bail on finding the security fixed by law; the discretionary power familiar in England does not exist, or at any rate is much curtailed. The amount required is fixed by the statute at £1,200 for a nobleman, £600 for a landed gentleman, £300 for any other kind of gentleman, or for a burgess, or for a householder, and £60 for any person of inferior status to a burgess or householder. Now-a-days most persons are "householders," so that the question of amount is generally clear; but at one time arguments as to the status of an accused person were not infrequent. In crimes not capital, any person may make—on behalf of the prisoner—a written application to the Lord Ordinary or the Lords of Justiciary, or to any judge competent to try the crime, in which case that judge must—on production of bail—liberate the prisoner within twenty-four hours of the application being made.

But the peculiar remedy provided by the statute is that known popularly as "Running the Letters." This cryptic phrase applies to a peculiar right conferred on the prisoner. Any person in custody for any crime, whether bailable or not, can petition the Sheriff or the Court of Justiciary, the petition being accompanied by production of the warrant, requiring the Lord Advocate or the Procurator Fiscal or whoever the prosecutor may be, to fix a definite date of trial. The date fixed must be within sixty days. If no such date is fixed, the accused can demand immediate release, and failure to release him is "wrongous imprisonment." An application to this effect cannot be defeated by setting him at liberty; a date must still be fixed for his trial, and if no date is fixed, *i.e.*, if the prosecution abandons the charge, then the accused is entitled to "reparation" or damages for the delict of "wrongous imprisonment," and the pursuer is not allowed to offer evidence of justification. Even when a date has been fixed, of course, the accused is not certain of a speedy trial, since the court has power to postpone and remand; indeed the pursuer has a limited power to give notice of thirty days' or forty days' postponement, according to the nature of the court. An action for penalties must be brought within three years.

It will be seen that the Scots statute does not meet the special grievance at which the English Act was levelled; it does not afford the certainty of an immediate judicial hearing, and in a proper case an order absolute for release. But what it does do is to render illegal automatically any arrest by a Lord Advocate or other pursuer who is not prepared to bring the accused to trial for a specific offence within sixty days; such action always is actionable by the accused provided he has taken the step of "Running his Letters." It is therefore a less effective, but perhaps a more drastic, remedy than its English analogue.

Judge Parry and the Law.

For the sake of uniformity and the appearance of the bookshelves we regret that the latest volume of Judge Parry's Essays* appears in different size and binding from its predecessors—"What the Judge Saw" (1912) and "The Law and the Poor" (1914); and it would have been interesting if there had been an introductory note showing where they—or some of them—first appeared. For the chapter "Concerning the Law of the Lost Golf Ball," we remember to have seen before—we think in *Cornhill*; and it may be the same with others. However, after these preliminary grumbles, we have nothing to do except to give some indication of the variety of subjects which the learned Judge treats with his well-known shrewdness and humour. As to the lost golf ball, it is natural to say offhand that "finding's keepings"; and this, we are told, was so up to the beginning of the last century, but since then the rule "is no longer a part of the common law of England, or even of Scotland, where we know they keep the Sabbath and everything else they can lay their hands on." The rule to-day is more subtle, but Judge Parry calls it a very sensible and practical rule, and what it is will be found at p. 35. We referred casually last week to his chapter "Concerning Orders in Council." That, apparently, was suggested by the *Wilts United Dairies Case* and the little bill for £15,000, their share of the twopences which the Food Controller proposed to levy for the privilege of taking milk from one county to another. "Bureaucracy had, of course, the assistance of the Attorney-General and others, and for more than twelve months the matter was argued with great skill and learning from the Court of First Instance to the House of Lords, where it ended in a crushing defeat for bureaucracy. The twopence was held to be a tax which could not be levied except by direct statutory means, a proposition that to a Victorian seems too obvious to be disputed. It was, indeed, a glorious victory. Wilts wiped out Whitehall. And the moral of it is that if an Englishman has pluck and energy, and puts money in his purse, he can safely adventure in the Courts of his country against the brigandage of bureaucracy." And yet it is fair to look at the other side and remember that bureaucracy has its uses. You cannot have forty million people living together in a small country—yes, small enough, though "like little body with a mighty heart"—without a fair amount of official regulation to make things go smoothly. But the bureaucracy against which Judge Parry tilts is the bureaucracy that has no use for Parliaments or Law Courts, and seeks to dispose of them and commandeer their powers; the bureaucracy, indeed, which obtains the issue of Orders in Council: "To all intents and purposes Orders in Council to-day are Statutes made by Civil servants instead of Statutes enacted by Parliament."

But we will leave Orders in Council and turn to another chapter; say, the chapter "Concerning Mr. Justice Maule"—the common law judge whose bust adorns the vestibule of Lincoln's Inn Library; according to Judge Parry, not a great judge, though "certainly a shrewd judge and a studious scholar; but his title to remembrance among the members of his profession is not that he was a great man, but rather that he was a great character"; and "the pithy common sense of his legal decisions, though very recognizable to any who care to turn over the dry pages of 'Clark and Finelly' [when he must have been advising the House of Lords, as in the case of *Lady Hewley's Charities*, from his opinion in which Judge Parry takes an interesting dictum] and 'Manning and Granger,' are long forgotten and overwhelmed in the memories and traditions of the wit and irony with which he illumined the dullest wrangles in the Common Pleas or Exchequer." Best known of Maule's deliverances is his address to the unhappy bigamist who had incurred the penalties of the criminal law instead of pursuing the proper series of proceedings—action for *crim. con.*, suit in the Ecclesiastical Court, Divorce Bill in the House of Lords—which would have left him free to marry again. Maule recapitulated the whole with comments on the expense—the prisoner was a poor man: "As I hope to be saved, I have not a penny—I am only a poor man," and then gave him "three months, or, as some say, four. But that was because he had not told Maria all about it." This, says Judge Parry, was the starting point of the Divorce Act, "and such marriage law reforms as we have since received date from Maule's ironical speech." And so we may suggest, all the reforms to come hereafter will date from Lord Gorell's more serious remarks in his judgment in *Dodd* v. *Dodd*. Of other stories of Maule, Judge Parry has perhaps collected all that are now known, and they form amusing reading, though they do not always show him in a favourable light. There was, however, only humour in his remark in an appeal in a breach of promise case, when Wilde, L.C.J. (afterwards Lord Truro), had taken occasion to make a tirade against the state of the law which allowed such an action at all. Maule, in following, opened his judgment by saying: "The question of what the law ought to be having now been

* "What the Judge Thought." By His Honour Edward Abbott Parry. T. Fisher Unwin, Ltd. 20s. net.

amply discussed by my lord, I will now for my part consider what it really is." And to an absurd liar who burst out in the witness-box, "My lord, you may believe me or not, but I have stated not a word that is false, for I have been wedded to truth from infancy." "Very likely," replied the Judge, promptly and sternly, "but the question is how long have you been a widower."

The reader will be interested also in the two chapters, one which commences the book on Abraham Lincoln, and the other which closes it, on William Henry Seward. Lincoln, as might be expected, was a very scrupulous advocate. On one occasion, says Judge Parry, he was appearing for a plaintiff, and in the middle of the case evidence was brought forward showing that his client was attempting a fraud. Lincoln rose up and went to his hotel. Presently the Judge sent for him, but he refused to come back, saying, "Tell the judge my hands are dirty; I came over here to wash them." "To him the maxim 'Come into court with clean hands,' was a command to be obeyed in spirit and letter." Judge Parry generalizes a rule which is usually applied only to equity, but we do not know that there is any objection to that. Possibly, since the Judicature Acts, the rule prevails at common law. We have no doubt it is the rule in Judge Parry's courts. From the Springfield office and his partnership with "Billy" Herndon, and from the Illinois circuit, Lincoln went forth to a career which has placed him in the forefront of American Presidents. Without disparaging President Wilson, one may speculate what would have happened if Lincoln had been at the Versailles Conference. He would have maintained at once his ideals and his practical way of carrying them out and Lloyd George and Clemenceau would have met their match. But "Captain, my Captain" was born for an earlier crisis and left an immortal name. Of similar character was William Henry Seward, and Judge Parry's chapter on him is devoted to his famous defence of the negro Freeman against a charge of murder. Freeman was insane, but the murders—four persons were killed—were peculiarly atrocious; the populace demanded Freeman's life, and Seward risked his whole career in undertaking the defence. We must leave the engrossing story of the trial to Judge Parry's pages. Freeman was convicted, but on appeal a new trial was granted. It was not proceeded with. "The poor maniac died within a few months of the trial, and an examination of the brain disclosed proof of insanity." This was in 1846. By a misprint at p. 271 the date of the murder is given as 1816. "And when in 1872 Seward passed away, full of years and honours, popular memory went back to that strange trial in the little court-house in Auburn, and that the part played by their great fellow-citizen in the squalid and unhappy drama might never be forgotten, with one accord they placed upon his memorial the words he himself desired: 'He was Faithful.'"

There is plenty of interest, too, in the other chapters, such as those on Legal Out-Patients, on Daniel O'Connell, on Legal Reform, and on the Future of Portia, and in "Concerning What the Archon Did" Judge Parry returns to an old subject of his, the iniquity of imprisonment for debt. The world moves slowly, but if anything can induce the Legislature to do away with this survival of the Dark Ages, it should be Judge Parry's invective and wit.

Reviews.

Negotiable Securities.

THE LAW OF NEGOTIABLE SECURITIES. Six Lectures delivered at the request of The Council of Legal Education, by WILLIAM WILLIS, Judge of County Courts, K.C. Fourth Edition by ALFRED WILLIAM BAKER WELFORD, Barrister-at-law. Sweet & Maxwell, Ltd. 10s. net.

Mr. Welford reminds us that it is more than a quarter of a century since these lectures were first published. No doubt that is so, but, notwithstanding the lapse of time, we retain a very clear recollection of the pleasure we experienced when we read the first edition. The late Judge Willis was a man of literary tastes, and he was able to impart lively interest to a subject which does not appeal to everyone. His great delight was to quote poetry, and it is not surprising that in the middle of these lectures he is reminded of the *Deserted Village*, though he cites—

"Trade's proud empire hastes to swift decay,"

only to refute the line by the remark that we are still extending our commerce year by year. And the carrying on of this commerce depends on the negotiable securities which are the subject of the book. Most of the book remains as it was written, but case law has been running on and the decisions in the *Bechuanaland Co.'s Case*, 1898, 2 Q.B. 658, and *Edelstein* v. *Schuster*, 1902, 2 K.B. 144, have expanded the doctrine of negotiability and given the opportunity for a useful addition, and the editor has been able to reinforce the author's belief in the formerly much questioned case of *Young* v. *Grote*, 4 Bing. 253, by the recent House of Lords confirmation of it in *London Joint Stock Bank* v. *Macmillan*, 1918, A.C. 777. Mr. Welford has done good service in bringing up to date a little book the value of which is in inverse ratio to its size.

Private Companies.

TREATISE ON THE CONVERSION OF A BUSINESS INTO A PRIVATE LIMITED COMPANY. With annotated Forms of Memorandum and Articles of Association and other documents, and some Observations on Reduction of Capital. By CECIL W. TURNER, Barrister-at-Law. Fourth Edition. The Solicitors' Law Stationery Society, Limited. 10s. net.

There has been no substantial change in company statute law since the Consolidation Act of 1908, but there have been minor statutes affecting companies, such as the Companies (Particulars of Directors) Act, 1917, and as regards rules, there were new Reduction of Capital Rules issued last autumn. These changes are dealt with in the new edition of Mr. Turner's useful book, and the issue of the Reduction of Capital Rules has necessitated the re-writing to a large extent of the chapter on Reduction of Capital. Their general effect, Mr. Turner points out, is to simplify and shorten the procedure applicable to reductions of capital, which involve the diminution of liability in respect of unpaid share capital, or repayment to shareholders of paid-up capital. In accordance with the original plan of the book, no references to cases are given. Since the discussion of disputed questions of law falls outside its scope, it was thought better not to encumber it by such references. We doubt the convenience of this course. The book, no doubt, appeals to and is used by persons engaged in company management who are not lawyers; but it is, we presume, used also by lawyers, and to them the absence of cases—*i.e.*, of the leading cases—is troublesome. It is not so much a matter of disputed questions of law, as of knowing the case to which reference may be most usefully made. One point of great interest in respect of private companies is the liability imposed by last year's Finance Act to payment of super-tax on profits which, without good cause, are kept undistributed. Mr. Turner devotes a chapter to stating the provisions on this head, though, in an untried field, he has not thought it necessary to consider in any detail how they will work in practice. He points out, however, some of the anomalies which are likely to result from this new legislative adventure into the affairs of private companies. On the preliminary work of forming a company, and on the transfer of the business to the company, and the subsequent conduct of its affairs, Mr. Turner gives very useful and practical information, and his book is a very handy companion to the works which deal with company practice more especially on its legal side.

Books of the Week.

Bills of Exchange.—A Treatise on the Law of Bills of Exchange, Promissory Notes, Bank Notes and Cheques. By The Right Hon. Sir JOHN BARNARD BYLES. The eighteenth edition, with Colonial Notes. By WALTER J. BARNARD BYLES and A. W. BAKER WELFORD, Barristers-at-Law. Sweet & Maxwell, Ltd. 35s. net.

International Law.—International Law Association. Report of the Thirty-first Conference held at The Palace of Justice, Buenos Aires, 24th August–30th August, 1922. Vol. I. 25s. net. Vol. II, Proceedings of the Maritime Law Committee. 15s. net. Sweet & Maxwell, Ltd.

Digest.—Mews' Digest of English Case Law. Quarterly Issue April, 1923. Containing Cases Reported from 1st January to 1st April, 1923. By AUBREY J. SPENCER, Barrister-at-Law. Stevens & Sons, Ltd.; Sweet and Maxwell, Ltd.

Maritime Law.—A Treatise on the Law of Collisions at Sea. By R. J. MARSDEN, Barrister-at-Law. Eighth edition. By ANDREW DEWAR GIBB, LL.B., Barrister-at-Law. Stevens & Sons, Ltd. 35s.; for cash 28s.

Sale of Food and Drugs.—The Sale of Food and Drugs Acts, and Forms, Regulations, Orders and Notices issued thereunder, with Notes and Cases. By the late Sir WILLIAM J. BELL, LL.D., Barrister-at-Law. Seventh edition. By CHARLES F. LLOYD, Barrister-at-Law. The Chemical Notes, revised and enlarged, by R. A. ROBINSON, Barrister-at-Law. Butterworth & Co; Shaw & Sons, Ltd. 15s. net.

Local Government Law.—Municipal and Local Government Law (England). By HERBERT EMERSON SMITH, LL.B. (Lond.), Solicitor, Sir Isaac Pitman & Sons, Ltd. 7s. 6d. net.

The Cambridge Law Journal.—Vol. I, No. 3, 1923. Stevens & Sons, Ltd. 5s. net.

W. Heffer & Sons Limited, Publishers, Cambridge, have in the press a volume entitled "The Expert Witness," by C. Ainsworth Mitchell, M.A. (Oxon), Editor of *The Analyst*. This book is written on similar lines to and is in many respects a sequel to the author's "Science and the Criminal," now in its second large edition. It gives an outline of the latest application of scientific research to the investigation of criminal problems, and also an account in non-technical language of the use of expert evidence of all kinds, illustrated by reference to old and modern trials. The nine chapters deal with the latest methods of identification by means of patterns on the feet; by the pores of the skin; by the detection of latent prints on paper, etc. The latest scientific methods of handwriting are also described, and an outline is given of the author's methods of estimating the age of ink in writing. In the description of secret writing there is an account of the scientific evidence given at the trials of German spies. The last chapter deals with expert evidence in art, and with the application of such scientific methods as the use of X rays to identify old masters.

Correspondence.

Poor Persons Department.

[*To the Editor of the Solicitors' Journal and Weekly Reporter.*]

Sir,—We have been interested in correspondence appearing in your columns from time to time as to the experience of Solicitors who have undertaken Divorce Cases for Poor Persons. We have conducted several cases, and have done our best to comply with the request for assistance made by the Department and by the Law Society. We regret to say that our experience has been most unsatisfactory, and it seems to us that every obstacle is put in the way of Solicitors obtaining repayment of their bare out-of-pocket expenses. On the completion of one case recently we sent to the Department particulars of our out-of-pocket expenses amounting to £1 0s. 4d., and consisting of Commissioners' fees, car fares, telegrams, and postages. We have this morning received from the Department a letter informing us that before directions can be obtained for payment to us of out-of-pocket expenses, the following information must be furnished :—

1. Was any Order made as to costs, and if so, has any recovery been effected ?
2. If recovery has been unsuccessful, the applicant's consent for payment out from the sum in court should be obtained and forwarded to this office.
3. Vouchers supporting vouchable items in the account should be furnished.

We have informed the Department that the time and trouble involved in obtaining this information will be out of all proportion to the amount to which we are entitled, and that we shall do nothing further to obtain payment. We have informed the Department also that we shall not undertake any further cases. The least the Department can do is to pay *bonâ-fide* out-of-pocket expenses without giving the Solicitor so much unnecessary work.

Vernon Chambers,
6A, Vernon Street,
Stockport,
12th May.

Yours truly,
COPPOCK & HELM.

Caldwell *v.* Jones and Others.

[*To the Editor of the Solicitors' Journal and Weekly Reporter.*]

Sir,—I daresay that many of your readers have been interested in the case before the High Court which on the 9th inst. decided, reversing the decision of the Liverpool Bench, that it is an offence for a person not a resident in licensed premises to consume intoxicating liquor supplied by himself on such premises during hours not permitted by the Licensing Act, 1921, s. 4.

The facts were that at 5 p.m. three men visited a licensed house and bought a bottle of soda water, and one of the men produced from his pocket a bottle of whisky, which whisky he mixed with the soda-water supplied by the licensee, and gave his friends and partook himself of the whisky and soda. The Chief Justice and his colleagues considered that an offence had been committed by consuming on licensed premises outside permitted hours, and sent the case back to the justices to be re-considered.

I should have thought myself that the consumption by a non-resident of intoxicating liquor on licensed premises outside permitted hours was certainly an offence against s. 4 of the Act of 1921, but the extraordinary thing is that such consumption on unlicensed premises, though a refreshment house, is not an offence at all, seeing a refreshment house, which does not require any licence whatever unless it keeps open after 10 p.m. or before 5 a.m., can cheerfully supply meals and non-intoxicants at any time during seventeen hours, and the customer can during such seventeen hours supply his own intoxicating liquor and consume it in the refreshment house without being guilty of any offence.

Section 27 of the Licensing Act, 1872, provided that a keeper of a licensed refreshment house should not allow the consumption of intoxicating liquor on his premises while licensed premises of licensed victuallers were required to be closed for such consumption, but s. 27 of the Act of 1872 is now in the opinion of the Editor of Paterson, 1923 (33rd edition), inoperative as there is no time now during which licensed premises have to be closed.*

Your readers, of course, know that a refreshment house which does not sell intoxicants and opens after 5 a.m. and closes before 10 p.m. does not require any licence at all.

It seems the mistake the Liverpool people made was going into licensed premises to consume their whisky, and that if they had gone to an ordinary teashop and purchased their soda-water there, they could have drunk their whisky and soda without committing any offence at all.

Surely, considering that licensed premises have to pay a very heavy duty, it is somewhat extraordinary that the law should allow consumption at any time on unlicensed premises during seventeen hours in the day, subject to some possible restriction by the Shop Acts, and that the regular licensee should be restricted to eight hours in the Provinces and nine hours in London, and should be guilty of an offence during sixteen hours and fifteen hours respectively if he allows something to be done which can during seventeen hours be done with impunity on unlicensed premises.

Perhaps some of your learned readers of more political experience and wisdom than I have can account for the present position of the law.

80, Coleman Street,
London, E.C.2.
15th May.

E. T. HARGRAVES.

*[We presume there is a sense in which this is true, but it does not seem obvious.—Ed. *S.J.*]

CASES OF LAST SITTINGS.

House of Lords.

KRAMER *v.* ATTORNEY-GENERAL. 4th May.

ALIEN—NATIONALITY—DUAL NATIONALITY—BRITISH SUBJECT ALSO GERMAN SUBJECT—"GERMAN NATIONAL"—PROPERTY SUBJECT TO CHARGE—TREATY OF PEACE ORDER, 1919, cl. 1 (xvi).

A British subject by British law, who is also a German subject by German law, is a "German national" within the meaning of the Treaty of Peace with Germany, Art. 297, and the Treaty of Peace Order, 1919, giving effect to it, and his property in England is, therefore, subject to the charge created by clause 1 (xvi) of that Order.

This appeal raised a question as to the construction and effect of the Treaty of Peace Order, 1919. The appellant was born in England and acquired at birth and had not since lost the status of a British subject. He also acquired German nationality at the age of two years, and thenceforth was, by residence, education, military service and registration, a German national. He was, therefore, a person of dual nationality, and the question was whether he was thereby entitled to have his property in England exempted from the operation of clause 1 (xvi) of the Treaty of Peace Order, and he brought this action for a declaration that his property in His Majesty's Dominions was not subject to the charge created by the Order. The action was dismissed by Astbury, J., and his decision was affirmed by the Court of Appeal (Lord Sterndale and Warrington, L.J., Younger, L.J., dissenting), and thereupon this appeal was brought.

The LORD CHANCELLOR said that, upon the provisions of the Treaty, counsel for the appellant contended that they showed an intention to exclude from Art. 297 the property of a German national who was also a national of the country where the property was situate. It was not denied that the expression "German national" might for some purposes include a person of dual nationality or that, for instance, the property in England of a German national might be liable to the charge created by the Order, even though he might also be a subject of another enemy power or neutral power, or of an allied power other than Great Britain. But it was said that the expression "German national" must be read as excluding by implication a German national who was also a subject of the power in which his property was found. He could not accede to that argument. It would be strange if Germany, in agreeing to a charge on the property of its own nationals situate in the territories of the allied powers, had stipulated for an exception in favour of those persons who were also subjects of those powers, and he would be slow to read such an exception into the Treaty in the absence of some clear indication of an intention to that effect. Article 297 of the Treaty of Peace dealt both with the property in Germany of allied nationals and with the property in England of German nationals, and the words "property, rights and interests in an enemy country" on which so much reliance was placed by counsel for the appellant, served only to label the country as being a country opposed to that of which the person concerned was a national. The word "enemy" referred to enmity between country and country, and not between country and individual. Nor could he draw from the distinction in clause 4 of the Annex between German and allied nationals an inference that a person of mixed German and allied nationality was to be altogether excluded from the operation of the clause, even as regards his property in one of the countries of which he was a subject. The express provision in Art. 297 that German nationals who acquired *ipso facto* the nationality of an allied power under the Treaty would not be considered as German nationals within the meaning of para. (*b*) of the article showed that the framers of the Treaty had in mind the question of dual nationality, and had no intention of giving exemption to a person of dual nationality. In his opinion no inference could be drawn that the expression "German nationals" was to be limited either to persons who were of German nationality and no other, or to persons who being of German nationality were not also subjects of the allied country where their property was found. But, secondly, counsel for the appellant contended that whatever might be the meaning of the Treaty, the Treaty of Peace Order which was part of our municipal law did not apply to the property of a British subject who was also a German national. The argument for the appellant on this head substantially depended on the contention that within the realm the appellant was not and could not be considered or treated as a German national or otherwise than as a British subject. This contention was forcibly stated by Younger, L.J., in his dissenting judgment in the Court of Appeal, where founding himself on such cases as *Ex parte Freyberger*, 1917, 2 K.B. 133, and *Stoeck* v. *Public Trustee*, 1921, 2 Ch. 67, he held that a person cannot at once be a British subject and a German national, and that in this country and for such a purpose the two descriptions were mutually exclusive. With great deference to the opinion of the Lord Justice he thought that so to hold would be to shut one's eyes to the facts and to the whole purpose of the Order which had to be construed. Both in the Treaty of Peace and in the Order the expression "German national" meant a person who was by German law a subject of Germany, and in considering whether a person was affected by the Order it was impossible to avoid an investigation of his nationality according to German law. Foreign nationality had been long recognised by the law of England as having certain legal consequences in this country, and the same might be said of dual nationality; and if it were established that the appellant was in fact by German law a German national it would hardly be consistent

with the scheme of the Order to banish that fact from their lordships' minds. The appellant was a German national none the less because he was a British subject, and, if so, he fell within the express provision of clause 1 (xvi) of the Order, and must be dealt with accordingly. It was suggested that if the charge attached to the property of the appellant who was predominently a German, though with a scintilla of British nationality, it would also attach to the property of a man of mixed British and German nationality who might have resided in England during the greater part of his life, and might have fought for this country in the war. That might be so, but in that case there would be a question as to exercising in his favour the dispensing power given by the proviso to clause 1 (xvi) of the Order, and he did not think that the theoretical possibility of a harsh application of the Order, which in practice could and undoubtedly would be avoided, should interfere with the application of it in other cases which clearly fell within its terms. In his opinion the appellant's contention failed, and the appeal should be dismissed with costs, and he moved their lordships accordingly. He was desired by Lord Birkenhead and Lord Carson to say that they concurred in his judgment.

Lord SHAW OF DUNFERMLINE also concurred and Lord SUMNER gave judgment to the same effect.—COUNSEL: *Sir John Simon*, K.C., and *Whinney*; *The Attorney-General* (*Sir Douglas Hogg*, K.C.), *Sir Ernest Pollock*, K.C., and *Gavin Simonds*. SOLICITORS: *Rehder & Higgs*; *Treasury Solicitor*.

[Reported by S. E. WILLIAMS, Barrister-at-Law.]

Court of Appeal.

O'BRIEN *v.* SECRETARY OF STATE FOR HOME AFFAIRS.

No. 2. 9th May.

HABEAS CORPUS—APPLICANT ARRESTED IN ENGLAND—INTERNMENT IN DUBLIN—VALIDITY—RESTORATION OF ORDER IN IRELAND REGULATIONS, 1920, REGULATION 14B—RESTORATION OF ORDER IN IRELAND ACT, 1920, 10 & 11 Geo. 5, c. 31, s. 1—IRISH FREE STATE CONSTITUTION ACT, 1922 (SESSION 2), 13 Geo. 5, c. 1—IRISH FREE STATE (CONSEQUENTIAL PROVISIONS) ACT, 1922 (SESSION 2), 13 Geo. 5, c. 2.

By an order of the Home Secretary made under Regulation 14B *of the Restoration of Order in Ireland Regulations*, 1920, *the applicant was arrested in London and deported to and interned in Dublin. On an application for a writ of* habeas corpus,

Held, that after the passing of the Irish Free State Constitution Act, 1922, *Regulation* 14B *ceased to have the force of law in the Irish Free State and the order for internment of the applicant in the Free State was illegal. The rule* nisi *for a writ of* habeas corpus *must be made absolute.*

Decision of the Divisional Court, 39 *Times L.R.* 413, *reversed.*

Appeal from the Divisional Court.

BANKES, L.J.: On 7th March of the present year an order was made by the Home Secretary directing the internment of the applicant. The order purports to have been made under Regulation 14B of the Restoration of Order in Ireland Regulations. On 11th March the applicant was arrested at his house in London and was conveyed in custody to Dublin and placed in the Mountjoy Prison, where he now is. It does not appear by what authority the arrest and conveyance to Dublin were made. The applicant states in his affidavit that when he was arrested, he was informed by the police officers that the arrest was on a warrant issued by the Home Secretary. The Home Secretary, in his affidavit, says that the applicant was, under the order of internment, conveyed to Ireland. It is not material to inquire into this part of the history, because the applicant's complaint is confined to the order itself on the ground that it is illegal and is not warranted by the regulation under which it purports to have been made. Application was made to the Divisional Court for an order *nisi* calling on the Home Secretary to show cause why a writ of *habeas corpus* should not issue directed to him to have the body of the applicant before the court. The court refused to grant a rule, and an application was then made *ex parte* to this court under Order 58, Rule 10, by way of appeal from that decision. It appeared to this court desirable that the case should be fully argued, and a rule *nisi* was granted against which the Attorney-General has appeared to show cause. This court has thus had the advantage of hearing a full argument on both sides. It is necessary to draw attention to the circumstances under which Regulation 14B came to be applicable to Ireland. The regulation, as originally framed, was a war-time production, made under the powers conferred by the Defence of the Realm Act, 1914, and it was directed against persons of hostile origin or association, and it was gradually built up by a series of amendments introduced from time to time between June, 1915, and April, 1918. By the Restoration of Order in Ireland Act, 1920, power was conferred on His Majesty in Council to issue regulations under the Defence of the Realm Act, 1914, for securing the restoration and maintenance of order in Ireland. By s-s. (4) of s. 1 it was provided that regulations so made should have effect as if enacted in the Act itself. Acting on the power conferred by this statute, an Order in Council was made on 13th August, 1920, applying to Ireland, *inter alia*, the original Regulation 14B, as modified by the provisions contained in the first schedule to the Order. It is under this regulation that the order under which the applicant is interned was made. Both the original regulation and the regulation as applied to Ireland have come under review in this court. In *Rex* v. *Halliday*, 60 SOL. J. 290; 1916, 1 K.B., 738; 61 SOL. J. 443; 1917, A.C., 266, this court and afterwards the House of Lords held that the original Regulation 14B, in spite of the far-reaching and autocratic power which it conferred on the Executive in restraint of personal liberty, was authorised by the Defence of the Realm Act, 1914, and was not *ultra vires*. In *Brady* v. *Gibb*, 91 L.J., K.B. 98, this court, by a majority, held that the modified regulation was sufficiently wide in its terms to justify an order made by the Home Secretary for the internment in Ireland of a man at the date of the order residing in England. That case was decided in July, 1921. The questions for decision in the present case may be divided under three heads:—(1) Whether, since the establishment of the Irish Free State, an order can be lawfully made by the Home Secretary for the internment in that State of a person at the date of the order residing in England; (2) whether, assuming that such an order can lawfully be made the order now complained of is in form a compliance with the regulation; and (3) whether the application for a writ of *habeas corpus* directed to the Home Secretary is the proper procedure in the circumstances of the case. It is inconceivable that the order for the internment of the applicant could have been made by the Home Secretary unless he had before him information which, in his opinion, not only justified, but required, the making of the order; presumably, also, in a matter of this importance, he acted on advice as to his powers. It is a matter of regret, therefore, that the court should have been called upon to consider the legality of his action. The court knows nothing of the facts on which the Home Secretary acted, and even if it did, it would have no right to be influenced by them. The duty of the court is clear. The liberty of a subject is in question. The court must inquire closely into the question whether the order of internment complained of was or was not lawfully made. In making that inquiry, it is convenient to consider, first of all, the material changes in the relations between England and Southern Ireland which were brought about by the Irish Free State Constitution Act, 1922 (Session 2). By that statute, the Constitution, as settled by an Act passed by the House of Parliament constituted pursuant to the Irish Free State (Agreement) Act, 1922, as a Constituent Assembly, was adopted as the Constitution of the Irish Free State. The Constitution as contained in that Act has to be construed with reference to the Articles of Agreement for a Treaty between Great Britain and Ireland set forth in the second schedule to that Act, which are by the Act given the force of law. The Executive of the Irish Free State is an executive distinct from, and independent of, the Executive in England, just as distinct and just as independent as the Executive of the Dominion of Canada is from the Executive in England. It is also clear that the Irish Free State is just as much a colony as is Canada itself. One result of this state of things is that no writ of *habeas corpus* can issue out of England by authority of any judge or court of justice therein into the Irish Free State. This is the effect of the Habaes Corpus Act, 1862, which was passed as a result of the decision in *ex parte Anderson* (3 E. and E., 487). If I am right in thinking that, for the present purpose, the Irish Free State can properly be compared with the Dominion of Canada, then a forcible way of testing the validity of the order for the internment of the applicant is to ask the question: Could the Home Secretary have made an order for his internment in Canada, and if not, why not? The answer appears to be supplied partly from a necessary implication from the nature of the power conferred by the regulation and partly from the expressed language of the regulation itself. The regulation confers on a branch of the Executive in England certain absolute powers, among them the absolute power of interning persons without trial and without informing them of the details of the charge made against them, or of the evidence on which it is made and for an unlimited period. The regulation is silent with reference to any power of discharge or release, but it is obvious that such a power must be implied. In whom is the implied power vested? Obviously, in the branch of the Executive by whom the power to intern was exercised. The form of the order in the present case is apparently framed on this view of the regulation as the applicant is directed to remain interned "until further orders." Whose orders can these be except the orders of the authority who directed the internment? His lordship said that he arrived at the same conclusion from a consideration of the wording of the regulation. Dealing with the provisions of the regulation his lordship said that they pointed irresistibly to the conclusion that since the establishment of the Irish Free State an order cannot lawfully be made by the Home Secretary for the internment of a person in the Irish Free State. In the first place, the order deprives the Executive of this country of that full and uncontrolled right to direct the release of the interned person, which, in my opinion, is a necessary incident of a valid order of internment under the regulation; secondly, the effect of the order is to subject the interned person to restrictions other than those indicated in the regulation and to restrictions which the Secretary of State has no power to modify; and, thirdly, the interned person is deprived of the particular form of trial which is prescribed by the regulations in the event of his committing any of the offences indicated in the regulation. The view which I have just expressed on the construction and effect of the regulation is strongly borne out by that part of the regulation which expressly provides that an order under the regulation may require the person to whom the order relates to reside or to be interned in any place in the British Islands. The fact that in August, 1920, when this regulation was made, it was thought necessary to make such a provision is, I consider, a powerful argument in support of the contention of the applicant in the present case. At this point it is necessary to consider how far this particular provision of the regulation relating to an order of internment in the British Islands has been modified by subsequent legislation. The Irish Free State (Consequential Provisions) Act, 1922, passed on the same date as the Irish Free State Constitution Act, gave power to His Majesty by Order in Council to make such adaptations of any enactments as appeared

to be necessary or proper as a consequence of the establishment of the Irish Free State, and it provided that any order so made should have effect as if it were enacted in the Act. The Act was passed on 5th December, 1922. The first order made under the Act is dated 27th March, 1923. By Clause 2 of that order it was for the first time declared that the expression "British Islands" appearing in any enactment passed before the establishment of the Irish Free State should be construed as exclusive of the Irish Free State. It follows, therefore, that at the date of the order of internment and at the date of the applicant's arrest no statutory alteration of the expression British Islands in Regulation 14B had been made, though it was made before the application was made to the Divisional Court for a writ of *habeas corpus*. I mention this fact merely to show that I have not overlooked it. It is, in my opinion, of no material importance for a technical as well as for a substantial reason. The technical reason is that the Irish Free State (Consequential Provisions) Act provides that the order of 27th March, 1923, is to have effect as if enacted in the Act itself. This Act received the Royal Assent on 5th December, 1922. The substantial reason is that after the establishment of the Irish Free State, Regulation 14B became quite inconsistent with the Constitution of that State, and ceased to have the force of law in the Free State, and, for the reasons which I have already given, no order for internment in the Irish Free State could be made which would comply with the requirements of the regulation. During the argument reference was made to two Orders in Council, both made after the internment of the applicant, which were said to have some bearing on the question before the court, though I did not understand the Attorney-General as relying on them in support of the order of internment. The first Order was the one made on 27th March; the second was made on 21st April of the present year. Both purport to have been made under the powers conferred by s. 6 (1) of the Irish Free State (Consequential Provisions) Act, 1922, on His Majesty in Council to make such adaptations of any enactments so far as they relate to any of His Majesty's Dominions other than the Irish Free State as may appear to him necessary or proper as a consequence of the establishment of the Irish Free State. By the Order of 27th March, 1923, provision is made in paragraph 2 for the exclusion of the Irish Free State, with certain exceptions, from the operation of enactments passed before the establishment of that State which contain references to "the United Kingdom," the "United Kingdom of Great Britain and Ireland," "Great Britain and Ireland," "Great Britain or Ireland," "the British Islands," or "Ireland." The exceptions are the Acts mentioned in the schedule to the Order to the extent specified in the schedule. The only two of these expressions to which reference need be made are "Ireland," which is found in the Restoration of Order in Ireland Act, 1920, and "the British Islands," which is found in Regulation 14B. I have already dealt to some extent with the latter part, but, so far as the schedule is concerned, the only reference to British Islands in the schedule is what amounts to an instruction to the draftsman of the future that in any Act passed after the establishment of the Irish Free State the use of the expression British Islands will include the Irish Free State. This provision has no reference to the question now under discussion. The only material provision in the schedule is that s. 1, s-s. (1) and (4) are to apply to the Irish Free State. Those sub-sections are the ones under which His Majesty in Council was authorized to issue regulations for the restoration and maintenance of order in Ireland. Assuming, but without deciding, that the Order of 27th March is *intra vires* in this respect, it is sufficient for the present purpose to say that no new regulations have been issued under this Order. The last Order of 21st April is remarkable not only because of the date at which it is issued, but also because of what it purports to do. In effect it provides that all the regulations made on 13th August, 1920, including 14B, are to apply to the Irish Free State. Again, assuming, but not deciding, that this Order is *intra vires*, all that I need say about it is that if I am right in my view that, having regard to the terms of Regulation 14B, it is not possible for the Home Secretary to make a lawful order under it for the internment of the applicant in the Irish Free State, it does not help matters to provide that the regulation shall be construed as including the Irish Free State. The last point for consideration is whether a writ ought to be issued directed to the Home Secretary, having regard to the contention of the Attorney-General, which was accepted by the Divisional Court, that as the applicant had been deported to, and was interned in, the Irish Free State the Home Secretary had no longer any power or control over him except so far as the Government of that State had agreed that in the event of the Advisory Committee's deciding that he ought not to have been deported and interned they could release him. From the statements made in the House of Commons to which we have been referred, it would appear that the Home Secretary was, at the time when he made those statements, under the impression that he had not lost control over the persons who, by his orders, had been interned in the Irish Free State. In his affidavit he states that the Governor of the Mountjoy Prison is an official of the Free State Government and is not subject either to his orders or to those of the British Government. This is, no doubt, an accurate statement with reference to the governor of the prison, but it leaves the question in doubt how far, if at all, by arrangement with the Free State Government, the body of the applicant is under the control of the Home Secretary. This question cannot be satisfactorily disposed of unless the rule is made absolute, which will give the Home Secretary the opportunity, if he desires to take advantage of it, of making the position clearer than it appears to be at present. This was the course taken in *Gossage's Case*, 36 SOL. J. 681; 1892, A.C. 326, and is the appropriate course to take in the present case. The order, therefore, is made absolute. In conclusion, it may not be out of place to observe upon the practice of legislation by means of Orders in Council that though the practice may be a convenience to Parliament, it is one which leads to inconveniences and difficulties and dangers, of which the present case is only one example. Laws are made the drafting of which has never been subjected to criticism in Parliament, and, when made, they are not included in the statute book. The result is that, in the first place, they are difficult to find, and, when found, more often than not, they are difficult of interpretation, whether it be by a lawyer, who is called upon to interpret them, or by a Minister of the Crown, whose duty it is to administer them.

SCRUTTON, L.J., said: This appeal raises questions of great importance regarding the liberty of the subject, a matter on which English law is anxiously careful, and which English Judges are keen to uphold. As Lord Herschell says in *Cox* v. *Hakes and Lord Penzance*, 15 App. Cas., at p. 527): "The law of this country has been very jealous of any infringement of personal liberty." This care is not to be exercised less vigilantly because the subject whose liberty is in question may not be particularly meritorious. It is indeed one test of belief in principles if you apply them to cases with which you have no sympathy at all. You really believe in freedom of speech if you are willing to allow it to men whose opinions seem to you wrong and even dangerous. And the subject is entitled only to be deprived of his liberty by due process of law, although that due process, if taken, will probably send him to prison. A man undoubtedly guilty of murder must yet be released if due forms of law have not been followed in his conviction. It is quite possible, even probable, that the subject in this case is guilty of high treason; he is still entitled only to be deprived of his liberty by due process of law. [Referring to the internment in Ireland of a person arrested in England, his Lordship said:] Before the war it is almost impossible to conceive that such a state of things could exist in England. That the law is alleged to justify it now is a position that requires the most vigilant scrutiny by the courts, for it is interesting to note that s. 11 of the Habeas Corpus Act of 1679 condemns the sending of inhabitants or residents of England as prisoners for criminal matters into Ireland with the severest penalties. The case depends on the true meaning and continuing validity of Regulation 14B of the regulations issued on 13th August, 1920, by Order in Council made under the Restoration of Order in Ireland Act, 1920. The first question which the applicants desire to argue is whether that Act authorised the making of any regulation applicable to England, or was confined to regulations applicable to Ireland. But they agree that in this court they are bound to assume that regulations can be made affecting England, by reason of the decision in *Brady's Case: R.* v. *Cannon-row Police Inspector*, 91 L.J., K.B. 98. I dissented in that case, and further consideration has only confirmed my private opinion that I was right for the reasons therein stated, but, of course, I am bound by that decision, and I deal with the present case on the assumption that there was statutory authority to make regulations applicable to England. This regulation itself suffers from the careless drafting of the rest of the Order, for the second paragraph, copied from the Defence of the Realm Regulations and relating to the control of aliens in the United Kingdom, to secure the safety of a British subject in foreign parts, seems to have nothing to do with the restoration of law and order in Ireland, and to have got in by an oversight. Regulation 14B gives power to certain authorities, *inter alia*, to intern in a place in the British Islands specified in the Order any person suspected of acting, or having acted, or being about to act, in a manner prejudicial to the restoration or maintenance of law and order in Ireland, and provides that during internment he shall be subject to the like restrictions, and may be dealt with in like manner as a prisoner of war, except so far as the Secretary of State may modify such restrictions. This regulation could, on the authority of *Ex parte Zadig*, *R.* v. *Halliday*, *supra*, be properly made under the Defence of the Realm Regulations, and therefore under the Restoration of Order in Ireland Act, as explained in *Brady's Case*, at the time when it was made. The first question on this, as it stood before the Irish Free State Constitution Act of 1922, appears to me to be: "What official is authorised to make an order to arrest a person in one part of the United Kingdom and intern him in another?" In my view, the regulations only justified internment in places where the person ordering internment could control the internment, its conditions and its determination. The Irish Free State Constitution Act, 1922, ratified a Treaty made between certain members of His Majesty's Government and certain Irishmen, and gave effect to a Constitution framed by certain persons purporting to represent Southern Ireland or the Irish Free State. The Treaty provides for an Executive in Ireland responsible to the Irish Parliament, and that Ireland shall have the position in law, practice, and constitutional usage of the Dominion of Canada in relation to the Crown. By Articles 2 and 51 of the Constitution provision is made for a purely Irish Executive. It appears quite inconsistent with these provisions that a British official in England should exercise jurisdiction over the Irish Free State, and I do not understand that it is claimed that he can. The result is this: If I am right that the order for internment in Ireland could only be made by the Irish Chief Secretary, it was not so made, and is therefore bad; and no such order can now be made, for there is no Irish Chief Secretary, or any provision for transference of his powers to some other official. If I am wrong, and before the Irish Free State Constitution Act, a Secretary of State could order internment in Ireland, the continuance of this power is inconsistent with the creation of an Irish Executive in the same position as that of the Dominion of Canada, and having in consequence exclusive executive jurisdiction within its territory. Therefore no such order could be made by a Secretary of State after the passing of the Irish Constitution Act, because the previous law allowing it was inconsistent with the provisions of the Irish Constitution, so far as they created an

Irish Executive, and that previous law was therefore repealed. The power also ceased to exist, because the regulations did not allow internment by order in a place where the person ordering had no control of the internment, and the creation of the Constitution had converted Ireland into such a place as regards the power of control of the Secretary of State. I am of opinion that the order of the Secretary of State dated 27th March, 1923, ordering the internment of Art O'Brien in the Irish Free State in such place as the Irish Free State Government may determine, and subject to all the rules and conditions applicable to persons there interned, was illegal, on the following grounds: (1) That it could only be made under the regulations by a Chief Secretary for Ireland; (2) that if a Secretary of State had originally power to make it, his power was determined by the setting up of an Irish Constitution and an Irish Executive; (3) that there was never any power to order internment in a place over which the Government or person issuing the order had no control, or to order arrest for the purpose of such internment; (4) that, so far as the Orders in Council of 27th March and 21st April, 1923, purport to support the order, they are *ultra vires* and invalid.

ATKIN, L.J., said: The case involves questions of grave constitutional importance upon which I feel bound to express my own opinion, even though I repeat to some extent the views already expressed by the other members of the court. That a British subject resident in England should be exposed to summary arrest, transport to Ireland, and imprisonment there without any conviction or order of a court of justice is an occurrence which has to be justified by the Minister responsible. The authority of the Home Secretary is said to be derived from the Regulation 14B above referred to, and it becomes necessary to examine with some care the Act of 1920 and the regulations made thereunder, and to consider the effect upon them of the Irish Free State Constitution Act, 1922, and the Irish Free State (Consequential Provisions) Act, 1922, and the Orders in Council made thereunder. After dealing with the Acts and Orders referred to, his lordship said that Regulation 14B so far as it related to a power to intern in the Irish Free State was repealed by the Irish Free State Constitution Act. But even if there were otherwise power to order a person to be interned in Ireland, the absence of any power to modify the restrictions incident to internment would in itself be fatal to the validity of the order. Moreover, the Home Secretary had no power to order the applicant to be interned in such place as the Irish Free State Government may determine. This seems to me to be the very contrary of "a place specified." The choice of place obviously determines the conditions and restrictions under which the subject is confined, and in my opinion the Home Secretary had no more right to delegate the choice of place to the Irish Free State Government than to the first man he met in the street. I think that on this ground also the order is invalid. Having come to the definite conclusion that the order made by the Home Secretary is invalid and that the imprisonment of the applicant thereunder is unlawful, it only remains to consider whether the writ should go to the Home Secretary. The question was whether there was evidence that the Home Secretary had the custody or control of the applicant. Actual physical custody was obviously not essential. It was said that the applicant was in a dilemma, for having relied on the absence of control as constituting the invalidity of the order he is said to debar himself from asking that the writ should go to the Home Secretary as having control. And the Attorney-General relied upon the absence of control, as fatal to the applicant's motion for the writ. In truth there seems to be no dilemma. In testing the validity of the order the question is as to the legal right to control: in testing the liability of the respondent to the writ the question is as to *de facto* control. In all cases of alleged unjustifiable detention, such as arise on applications for the writ of *habeas corpus*, the custody or control is, *ex hypothesi*, unlawful: the question is whether it exists in fact. In the present case there may be some doubt: the Home Secretary by the Attorney-General alleged that he has no control: on the other hand, the applicant by his affidavit submits reasons for supposing that the Home Secretary is in a position by agreement to cause him to be returned to England, while the answer of the Home Secretary does not, in turn, deny that he is in such a position, and refrains from stating that he has no control. The affidavit states that the applicant is in the control of the governor of the prison, and is not subject to the Home Secretary's orders; but this is by no means inconsistent with an agreement with the Free State Government to return on request. In this case it is plain that the applicant was at one time in the custody and control of the Home Secretary by an order which we have held to be illegal. There is, to say the least, grave doubt whether he is not still in the custody or control of the Home Secretary. The case of *Barnardo* v. *Ford*, 36 SOL. J., 681; 1892, A.C. 326, appears to me to afford ample ground for the conclusion that this court should order the writ to go addressed to the Home Secretary in order that he may deal fully with the matter, and if he has in fact parted with control show fully how that has come about. The rule must be made absolute.—COUNSEL: *Sir D. Hogg*, A.-G., and *Gireen*; *Hastings*, K.C., and *St. John Field*. SOLICITORS: *The Treasury Solicitor*; *Gisborne, Woodhouse & Co.*

[Reported by T. W. MORGAN, Barrister-at-Law.]

Judgment was given in the King's Bench at Dublin, on the 14th inst., in favour of the inspector of taxes and the Commissioners of Inland Revenue in the case in which Guinness and Co., brewers, appealed against an income tax assessment of £57,971 and excess profits duty of £126,014, in respect of the sale of barley requisitioned by the Wheat Commission in 1917, and the following years, and sold on behalf of the Commission to various millers at prices fixed by the Commission.

High Court—Chancery Division.

THOMPSON *v.* **THOMPSON.** SARGANT, J. 16th April.

PRACTICE—FUND IN COURT—SEPARATE ACCOUNT—WRONG TITLE—RIGHTS OF PARTIES—RES JUDICATA—MASTER'S ORDER—JURISDICTION OF MASTER—R.S.C., Ord. 55, r. 2.

The carrying over of funds to a separate account in court does not operate as a judgment or declaration of right in favour of the persons indicated as the owners by the title of the account, and does not have the effect of finally and conclusively determining the rights of the parties so as to exclude the real owner if not so indicated. Where the funds exceed £1,000, *the master has no jurisdiction to make such an order as was made in this case finally determining the destination of the fund.*

In re Jervoise, 12 *Beav.* 209, *explained.*

This was a petition for payment out of a fund in court. By his will, dated the 8th day of February, 1864, the testator, John Thompson, devised his residue after payment of debts and legacies to be divided into six equal parts, one part for each of his five daughters, and the remaining part for the widow and three children of his dead son; and he directed that the share of each daughter should be held by his trustees upon trust to pay the income to her during her life for her separate use without power of anticipation, and with a power for forfeiture in case of attempted alienation, and after the death of each daughter upon trust to apply the income of her share as the trustees should think fit for the maintenance and education of her children until they attained the age of twenty-five, and then to divide such shares between such children equally, and, if only one such child should attain that age, then upon trust for that child absolutely. But if any of the five daughters should not have a child who should attain the age of twenty-five years, then as to as well the original shares as any share accruing under this provision, the trustees were to hold such share or shares and the income thereof upon trust during the lives and life of the other daughters, and the survivors and survivor of them, to pay and apply such income to the persons and in the manner to whom and in which the income of the original shares and share of the said other daughters respectively in the said residuary estate were thereinbefore made payable or applicable. And on the death of the last survivor of the said five daughters, or on her forfeiture under the preceding trusts, then in trust for such of the children of the said five daughters and of the testator's son as should be living at the death of such last survivor equally *per capita*. On the 7th November, 1874, a decree for the administration of the testator's estate was pronounced, and by an order on further consideration made on the 8th July, 1878, various sums of consols and cash were transferred to five separate accounts, each entitled: "The account of [the particular daughter] for life subject to duty on the capital"; and the income of each account was directed to be paid to the daughter for her life or until further order. One of the daughters died in 1900, having bequeathed the residue of her personal estate to H. Armstrong, and appointed him her executor. In 1901 the master, by an order made on summons in the presence of H. Armstrong, directed that the residue of the funds standing to this daughter's separate account after provision for duty and costs, should be carried over to an account entitled "The account of the children of the testator's five daughters and of his son . . . . living at the forfeiture by or death of the last survivor of his said daughters subject to duty"; and it was ordered that the income thereof should be paid in fourths to the other four daughters. Similar orders were made as the other daughters died directing payment of the income to the survivors. On the 30th December, 1922, the last of the five daughters died. It was agreed by all parties that the trusts upon which the daughters' shares were settled were all void for remoteness, and that the principle of *Hancock* v. *Watson*, 1902, A.C. 14, applied, and that the daughter really took her share absolutely, and on her death it ought to have been paid over to H. Armstrong. It was, however, contended that the matter was now *res judicata* by reason of the order of the learned master, made in 1901. The executors of H. Armstrong, on the hearing of this petition, claimed the fund.

SARGANT, J., after stating the facts, said: In this case two questions arise for decision. The first is whether the carrying over of funds to a separate account operates as a judgment or declaration of right in favour of the persons indicated as the owners by the title of that account, and conclusively bars the real owner if not so indicated. The second is whether the order of 15th January, 1901, was made in excess of the master's jurisdiction as regards the first question. I am of opinion that the importance to be attached to accuracy in the titles of separate accounts as indicated in *In re Jervoise*, *supra*, is not because the title of a separate account conclusively declares and determines the persons entitled. It is for convenience and accuracy and facility of administration only that the matter is of importance. Other authorities recognise and affirm this. It is a purely administrative matter and does not determine rights finally and conclusively. As to the second question, I am of opinion that such an order, where the funds exceeded £1,000, was not within the jurisdiction of the master. It is a matter for the judge, and for him alone. The destination of the fund is not therefore governed by the terms of the title of the account, and it must be paid out to the legal personal representatives of the testator's deceased daughter Ann Ellen.—COUNSEL: *Greene*, K.C., and *A. Adams*; *Spens*; *Tyrrell*; *Grant*, K.C., and *G. D. Johnston*. SOLICITORS: *Wrentmore and Son*, Agents for *Gisby & Son*, Ware; *Long & Gardiner*, Agents for *Bradley, Chitty & Scorer*, Dover.

[Reported by L. M. MAY, Barrister-at-Law.]

High Court—Chancery Division.

CHILLINGWORTH *v.* **ESCHE.** Astbury, J., 24th April.

Vendor and Purchaser—Deposit—Conditional Contract for Sale—"Subject to a Proper Contract"—Tender of Proper Contract by Vendor—Refusal of Purchaser to Proceed—Recovery of Deposit.

The plaintiff agreed to purchase a nursery from the defendant "subject to a proper contract to be prepared by the vendor's solicitors," and paid £240 "as deposit and in part payment of the purchase money." The vendor gave a receipt for the deposit "on sale," and subsequently sent a proper formal contract which was approved by the purchaser's solicitor. The purchaser, however, declined to proceed and asked for return of the deposit.

Held, that the vendor having done all he arranged to do, the purchaser was not entitled to recover the deposit.

By a document signed on 10th July, 1922, the plaintiff agreed to purchase from the defendant a freehold nursery for the sum of £4,800, "subject to a proper contract to be prepared by the vendor's solicitors," and the vendor acknowledged that the purchaser had paid £240 "as deposit and in part payment of the said purchase money." The sale included certain stock, fixtures and utensils connected with the business, and a schedule of them had been signed by both parties "under agreement for sale." On 1st August the vendor's solicitors sent to the purchaser a proper formal contract for approval, and after certain alterations it was finally approved by the purchaser's solicitor on 23rd September, with an intimation that he was engrossing his part. The vendor's engrosament was signed on 28th September, but the purchaser did not sign his engrossment, and on 12th October his solicitor wrote regretting that his client did not feel disposed to proceed with the negotiations and asking for the return of his deposit. On 14th November the purchaser commenced this action for a declaration that there was no binding contract and for return of the deposit. The vendor contended that the deposit was a security for completion by the purchaser and was forfeited by his repudiation of the contract.

Astbury, J., said that the payment of the deposit and the fact that a sale was referred to in the receipt for the deposit and in the schedule of trade utensils, distinguished this case from *Rossdale* v. *Denny*, 1921, 1 Ch. 57, *Coope* v. *Ridout*, 1921, 1 Ch. 291, and other cases in which it had been held that a document expressed to be made "subject to contract" or "subject to a formal contract," or similar expressions, did not constitute a binding contract, and that it was very doubtful into which class of cases referred to by Parker, J., in *Von Hatzfeldt Wildenbarg* v. *Alexander*, 1912, 1 Ch. 284, the present case fell. After referring to *Lloyd* v. *Nowell*, 1895, 2 Ch., 744, and *Howe* v. *Smith*, 27 Ch., D. 89, his lordship said the most direct authority as to money paid as a deposit and in part payment of the purchase money was *Moeser* v. *Whisker*, L.R. 6 C.P. 120. It was clear that the Court of Common Pleas thought that the purchaser would not have been entitled to recover his deposit on declining to continue the transaction in respect of which it was paid if the vendor, being able and willing to perform his part of the transaction contemplated at the time of the deposit, had tendered a reasonable contract. The result of the authorities was that where a deposit was paid before there was any binding contract, the payer could recover it if the payee insisted on something that was unreasonable in carrying out the transaction. If, on the other hand, the payee did not insist on unreasonable terms, and the payer, when offered all he could reasonably ask for having regard to the transaction contemplated in the memorandum signed at the time of the deposit, refused without just cause to proceed, he could not recover the deposit. In the present case the vendor had done all that the document contemplated, and the purchaser, without any default on the vendor's part, having simply refused to go on with the transaction, was faced with the same consequences as to the deposit as if there had been a binding contract when it was paid. After referring to *Thomas* v. *Brown*, 1 Q.B.D. 714, where the deposit was paid on a contract which was unenforceable owing to the Statute of Frauds, he said that the claim was really a claim for money had and received to the purchaser's use, but the deposit was not held to the purchaser's use unless and until the vendor made some default in the duties he undertook when the deposit was paid: *Gosbell* v. *Archer*, 2 Ad. & E. 500; *Palmer* v. *Temple*, 9 Ad. & E. 508; *Collins* v. *Stimson*, 11 Q.B.D. 142. The vendor had done all that he arranged to do and had made no unreasonable requirements, and the purchaser, having refused to proceed, was not entitled to recover the deposit, which was a guarantee of good faith as well as a part payment of purchase money. There would be no declaration, and the action would be dismissed with costs.—Counsel: *Luxmoore*, K.C., *Lionel Cohen* and *Wynn Parry*; *Micklem*, K.C., and *W. F. Webster*. Solicitors: *F. T. Jones*; *Barfield and Barfield*.

[Reported by S. E. Williams, Barrister-at-Law.]

In the Northern Ireland High Court on the 9th inst. an action by several members of the Royal Portrush Golf Club against the council and committee of the club, seeking a declaration that golf should not be played on Sundays, was dismissed with costs. Mr. Justice Wilson held that the rules passed by the club on the subject were legal and valid. If, as had been contended, the playing of golf on Sunday was a crime, there were in existence criminal courts and the Court of Chancery to try that issue.

In re **PARENT TYRE COMPANY LIMITED.**

P. O. Lawrence, J. 17th April.

Company—Memorandum of Association—Objects—Alteration of—Extension to include New Business—Power to Sanction—Companies (Consolidation) Act, 1908, 8 Edw. 7, c. 69, s. 9 (1) (*d*).

It would be too narrow a construction of s. 9 of the Companies (Consolidation) Act, 1908, to hold that merely because the additional business sought by the petition to alter the memorandum of association of the company to be carried on by the company involved a new departure which was not contemplated when the original memorandum of association was framed. So long as the new business is not destructive of or inconsistent with the business carried on by the company the court may confirm an alteration of the memorandum to include it, provided it can be conveniently and advantageously combined with the business carried on by the company. Where the vast majority of the shareholders approved, the court, in spite of the opposition of the small minority, confirmed the alteration of the memorandum of association of a rubber tyre company to include the business of bankers and financiers.

Cotman *v.* Brougham, 1918, A.C. 514, *distinguished.*

This was a petition to confirm a special resolution to extend the objects of a company. The company was incorporated in 1896 as the Dunlop Pneumatic Tyre Company, Limited, and subsequently changed its name. Its capital was over two millions, of which four-fifths had been issued and was fully paid. The material objects were as follows: To acquire the business of the "Pneumatic Tyre Company"; to carry on the business of manufacturers of and dealers in pneumatic and all other tyres and wheels of cycles and carriages and vehicles of all kinds; also the business of manufacturers of and dealers in cycles and carriages and vehicles of every description; also the business of india-rubber manufacturers and makers of and dealers in articles of any description made or prepared with india-rubber; and the business of mechanical engineers, machinists, fitters, founders, wire drawers, etc., etc.; and (F) to carry on any other business, whether manufacturing or otherwise, which might seem to the company capable of being conveniently carried on in connection with the above, or calculated directly or indirectly to enhance the value of, or render profitable, any of the company's property or rights. There was no provision in the objects clause authorising the company to carry on the general business of financiers. In and about 1912, and after the business of the company took the form of managing its investments in Dunlop Rubber Co. and other kindred companies, the value of the company's assets was far more than sufficient to pay all its creditors in full and return the whole of its paid-up capital. In February, 1923, by a special resolution passed and confirmed by an overwhelming majority of the shareholders, it was resolved to add to the objects the following: "(FF) Whether or not in connection with any of the preceding objects, to undertake and/or carry on any business, undertaking, transaction, or operation commonly carried on or undertaken by bankers, financiers, financial houses, underwriters, or subscribers of Government or other loans or issues, and to deal in shares, investments, and securities of all kinds, and to give guarantees of every description, "and to buy, sell, and deal in real and personal estate of every description." The petitioners at the hearing abandoned the words in inverted commas as being too general.

P. O. Lawrence, J., after stating the facts, said: There is an overwhelming majority of shareholders in favour of the resolution, but those shareholders who oppose it contend that the proposed additional businesses do not fall within the alterations permitted by s. 9 of the Companies (Consolidation) Act, 1908, that is to say, that the new businesses proposed are not businesses which may be conveniently and advantageously combined with the company's existing business because they bear no relation to the business carried on by the company, but are entirely different from the business contemplated by the memorandum. Although it is true that the additional businesses may fairly be described as having no true relation to the existing business of the company, yet in my judgment that objection is not fatal to the introduction of the additional businesses into the new objects clause. The question whether they are capable of being conveniently and advantageously combined with the business which the company was carrying on at the time of the resolution is a business proposition to be determined by those engaged in carrying it on, and even though such additional businesses may be entirely different from that business, provided they are not destructive of or inconsistent with it, they may yet be capable of being carried on in combination with it. It would be placing too narrow a construction on s. 9 to hold that merely because the additional businesses involve a new departure which was not contemplated when the original memorandum was framed, therefore they do not fall within the purview of that section. I am satisfied by the evidence that not only the management but the vast majority of the shareholders have come to the conclusion that the new business proposed is a business which can be conveniently and advantageously combined with the business carried on by the company, and in my judgment is therefore one which, not being destructive of or inconsistent with the business carried on by the company, may be sanctioned by the court under s. 9 (1) (*d*) of the Act of 1908. And accordingly the alterations asked for by the petition is confirmed, subject to the deletion of the concluding words of the new paragraph. Counsel: *Luxmoore*, K.C., and *Andrewes-Uthwatt*; *Owen Thompson*, K.C., and *Romer*; *Clauson*, K.C., and *H. C. Marks*; *Jenkins*, K.C., and *Stamp*. Solicitors: *Lithgow & Pepper*; *Guedalla, Jacobson & Spyer*.

[Reported by L. M. May, Barrister-at-Law.]

High Court—King's Bench Division.

SMITH *v.* **PRIME.** Roche, J. 17th April.

EMERGENCY LEGISLATION—LANDLORD AND TENANT—RECONSTRUCTION OF DWELLING-HOUSE—CONVERSION INTO FLATS—SEPARATE AND SELF-CONTAINED FLATS—INCREASE OF RENT AND MORTGAGE INTEREST (RESTRICTIONS) ACT, 1920, 10 & 11 Geo. 5, c. 17, s. 12 (9).

A flat does not necessarily fail to be "separate" or "self-contained" within the meaning attributable to those words under s. 12 (9) *of the Increase of Rent and Mortgage Interest (Restrictions) Act,* 1920, *if in the* bonâ fide *reconstruction of a dwelling-house* (1) *as to its being separate, it is not separated physically from the remaining flat or flats in the house, and* (2) *as to its being self-contained, its lavatory and bathroom accommodation are outside the ambit of the flat itself.*

Semble *that a flat might also be described as "self-contained" although its coal-cellar and servants' quarters were outside the ambit of the flat itself.*

In 1914 a house was at a rent of £40 a year. The premises in question were subsequently unlet for a period and fell into disrepair. They were ultimately purchased by the defendant in the present action for £600. He reconstructed them in 1921 and having converted them into two flats let them to the plaintiff for £120 a year. The flats were occupied by two distinct families, and the building as reconstructed was arranged as follows: Two separate kitchens were installed, gas and hot water supplies were laid on in both the lower floor and the upper flat. A separate bell was also put in. There was no physical means of separation between the two flats, but, with the exception of the common staircase, there was no common user of the two flats and they were kept separate. There was no separate lavatory and bath-room accommodation for the upper flat, but, in addition to the sanitary accommodation which existed for the benefit of the occupants of the lower floor, there was installed on the half-floor between the ground floor and the first floor a new closet and bath-room separated from each other by a partition. The use of that closet and bath-room was enjoyed equally by the occupants of both flats. This action was commenced by the plaintiff, who claimed to recover £102 under s. 14 of the Act, being rent alleged by him to have been paid in excess of the increase permitted under the statute. The defendant alleged that the premises had been converted into two separate and self-contained flats and that, having regard to s. 12 (9) of the Act, they were exempt from the provisions of the statute. By s. 12 (9) it is provided: "This Act shall not apply to a dwelling-house erected after or in course of erection on the second day of April nineteen hundred and nineteen, or to any dwelling-house which has been since that date or was at that date being *bonâ fide* reconstructed by way of conversion into two or more separate and self-contained flats or tenements . . ."

ROCHE, J., in delivering judgment, stated the facts, and said that the main point taken by the plaintiff was that, although there might be two flats, they were not separate and self-contained flats or tenements within the meaning of the section. In his view, the absence of a partition was not fatal to the claim that the flats were separate flats and the word "separate" did not appear to him to mean "partitioned off," but, rather, "distinct." Just as the presence of a partition would not in his view by itself constitute a reconstruction by way of conversion into separate flats, so its absence, where a *bonâ fide* reconstruction had been effected resulting in two distinct flats, did not prevent them from coming within the section. As to whether they were self-contained flats, it had been argued that they were not, on the ground that it was essential, if a flat was to be regarded as self-contained, that all the accommodation necessary to make it a separate dwelling-house should be comprised within the ambit of the flat, so that it could be lived in in accordance with the requirements of the law and the requirements of the ordinary standard of convenience appropriate to such a dwelling-house. That did not appear to him to be the correct view, for he was satisfied that in the ordinary meaning of language and of the sub-section a flat might properly be described as self-contained, although its coal cellar and servants' quarters were outside the ambit of the flat itself. If, however, provision were made in a house for two occupiers to use rooms scattered about the house, such a house would not be divided into self-contained flats. Although such occupation might be separate it would not constitute self-contained flats in the sense that each of them was confined within its own area. In his view the defendant was protected by the section and there must be judgment in his favour.—COUNSEL: *Comyns Carr; Lilley* and *J. S. P. Mellor.* SOLICITORS: *A. W. Osmond; C. M. H. Swan.*

[Reported by J. L. DENISON, Barrister-at-Law.]

KURSELL *v.* **TIMBER OPERATORS AND CONTRACTORS.**
Div. Court. 12th, 13th and 27th March.

ARBITRATION—POWERS OF ARBITRATOR ON REFERENCE BY CONSENT—DISCOVERY OF DOCUMENTS—ANSWERS TO INTERROGATORIES—ARBITRATION ACT, 1889, 52 & 53 Vict. c. 49, s. 2, 1st Sched. (*f*).

It is an implied provision in a submission to arbitration by consent out of court under the Arbitration Act, 1889, *that the arbitrator shall (where no contrary intention is expressed in the submission) have power to order discovery of documents, and to direct that a party to the arbitration shall answer interrogatories on oath.*

Special case stated under s. 19 of the Arbitration Act, 1889, by a sole arbitrator in a reference by consent out of court under that statute. By a submission in writing a sole arbitrator was in 1921 appointed to determine certain disputes. In the course of the proceedings application was made by the plaintiff to the arbitrator to direct that the defendants should make an affidavit of documents and answer certain interrogatories on oath. The defendants objected that the arbitrator had no jurisdiction to give such directions, and the arbitrator upheld this objection, but stated a case. The questions for the decision of the court were, (1) whether the arbitrator had jurisdiction as sole arbitrator acting under the submission to direct that a party to the arbitration should make an affidavit of documents as to the subject matter of the arbitration; (2) whether he had jurisdiction to direct that a party to the arbitration should answer interrogatories on oath. By s. 2 of the Arbitration Act, 1889, it is provided: "A submission, unless a contrary intention is expressed therein, shall be deemed to include the provisions set forth in the first schedule to this Act, so far as they are applicable to the reference under the submission . . . First schedule . . (*f*). The parties to the reference, and all persons claiming through them respectively, shall, subject to any legal objection, submit to be examined by the arbitrators or umpire, on oath or affirmation, in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbitrators or umpire, all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators or umpire may require."

SALTER, J., in delivering the considered judgment of the court (Lord Hewart, C.J., Avory and Salter, JJ.), after stating the questions and saying that it must be assumed that the submission, which was in writing, modified neither the powers given to an arbitrator by the Arbitration Act, 1889, nor the terms of submission set out in the first schedule, said that it was necessary to consider first whether these powers, or either of them, could be lawfully vested in a consensual arbitrator by the agreement of the parties. The powers of such an arbitrator depended entirely upon the contract. Every power given to him by the Arbitration Act, 1889, was subject to the agreement of the parties. It was clear that any power sought to be conferred must be of a kind to aid the tribunal. It was equally clear that the parties could not vest in an arbitrator powers which only a judge could exercise. They could not, for instance, give him a power to commit for contempt (see *Re Unione Stearinerie Lanza and Wiener,* 1917, 2 K.B., at p. 562). So long as the power given to an arbitrator by express agreement was not inconsistent with the complete discharge by him of his functions, and was of such a kind as would aid him in such discharge, and was not of a kind which only a judge could use, it seemed difficult to say that the parties might not give their arbitrator any powers they pleased, where those powers affected only themselves. It was enough to say, for the purposes of the present case, that their lordships were quite satisfied that powers to order the parties to make discovery of documents and to answer interrogatories could be given to an arbitrator by the agreement of the parties. They were powers which assisted the tribunal, and their exercise affected the parties only. It remained to consider whether the form of submission contained in the first schedule to the Arbitration Act, 1889, implied an agreement by the parties that the arbitrator should have these powers, or either of them, or whether it was still necessary for the parties to confer these powers in express terms in the submission if they desired the arbitrator to have them. The answer depended on the construction of clause (*f*) of the first schedule, *supra.* In their opinion, if it was to be held that an arbitrator in a reference by consent out of court under the Arbitration Act, 1889, had power to order discovery and interrogatories, it was on the concluding part of clause (*f*) that reliance must mainly be placed, both as to discovery and interrogatories. The words were "and do all other things which during the proceedings on the reference the arbitrators or umpire may require." As regards interrogatories, those words must be read as supplementing the first part of clause (*f*) which dealt with oral evidence by parties: as regards discovery, they must be read as supplementing the second part of clause (*f*) which dealt, at any rate, with production or inspection of documents. It was difficult to imagine wider words or words which, placed where they were, showed a clearer intention on the part of the legislature to impose on parties to consensual arbitrations the widest possible duty of frank and loyal co-operation with the tribunal. The words had been considered in, amongst other cases, the case of *Re Unione Stearinerie Lanza and Wiener, supra,* where Lord Reading, C.J., said: "The words in clause (*f*) of the first schedule, upon which reliance was mainly placed, do not give the power to order a stay of proceedings pending the giving of security for costs. They are words of general import giving to the arbitrator the power to do anything which he may require for the purpose of ascertaining facts or law in order that he may decide the dispute. It would be a very wide extension of them to construe them as meaning that he has the powers of a judge as to staying proceedings pending the giving of security for costs. I do not think that would be a reasonable construction of the language of the clause. Obviously the words cannot mean that an arbitrator has all the powers of a judge, because in that case he would have the power to commit for contempt of court in his presence, and to issue a writ of attachment for default in compliance with an order made by him. It is not contended that an arbitrator has any such powers, and it is quite clear that he has not. Consequently it is apparent that the words of clause (*f*) cannot be read as if they gave the arbitrator the power of a judge, and they must therefore be read subject to some limitation, and that limitation is that the arbitrator may order the parties to do all such things as he may require in order to assist him in arriving at a determination of the dispute." In their lordships' opinion, powers to order discovery and interrogatories fell within the meaning of the concluding words of clause (*f*) as construed by Lord Reading, C.J., in the passage above cited.

Both discovery and interrogatories, when properly employed, were of value to a tribunal. They helped an arbitrator to determine the dispute with less expenditure of time and money. The words "subject to any legal objection" qualified every part of clause (*f*) (see *Sociétés des Affréteurs Réunis* v. *Shipping Controller*, 1921, 3 K.B. 1), and the party making discovery or answering interrogatories had the same right of objection as he would have in an action. Both the questions must be answered in the affirmative.—COUNSEL: *Barrington Ward*, K.C., and *E. F. Spence*; *Clauson*, K.C., and *D. N. Pritt*. SOLICITORS: *Bull & Bull*; *Lawrence Jones & Co.*

[Reported by J. L. DENISON, Barrister-at-Law.]

In Parliament.

House of Lords.

1st May: Debate on the Agricultural Situation, initiated by the Marquis of Lincolnshire.

2nd May: Debate on the Economic Development of the Empire, initiated by the Duke of Marlborough.

Universities of Oxford and Cambridge Bill.—Considered in Committee.

3rd May: British Policy in Iraq.—Statement by the Duke of Devonshire.

Mental Treatment Bill.—On motion for second reading, the Parliamentary Secretary of the Ministry of Health (the Earl of Onslow) said: The chief purpose of this Bill is to provide that a patient suffering from incipient mental disorder may be received for treatment without certification. The reception and treatment of a patient in an institution without certification is a matter around which there has been some controversy, although I may say that it has been adopted for many years in Scotland, while in this country, under the Act of 1890, voluntary boarders have been allowed in private licensed houses. Of course, everybody recognises how enormously important it is that no power should be given, and no loophole opened, for the improper use of provisions such as those contained in this Bill. Therefore, when we make these proposals, we surround, or endeavour to surround, the provisions with every possible safeguard and precaution against misuse. I will endeavour to enumerate the safeguards which we have introduced. First of all, the institution in which the patient is to be received must be one which is approved by the Board of Control and under frequent inspection by them. Secondly, there must be a recommendation from two doctors. And, thirdly, no patient can be admitted unless it is at his own request—a voluntary request. But many cases of incipient mental disease are incapable of volition, and such cases very often, if taken and treated properly, are capable of complete cure. Clearly, such persons could not make the necessary voluntary request for admission into an institution, and before these patients can be admitted the recommendation of the two doctors has to be counter-signed by a Justice of the Peace or a Minister of Religion personally acquainted with the patient but not related to him, and the person signing this document must have seen the patient and satisfied himself that he is incapable of volition or voluntary action at the time. A similar procedure is required in the case of minors and, of course, in addition the consent of the parent or guardian must be obtained for the admission of a minor into one of these institutions. One of the doctors at least must be a medical man approved by the Board of Control. The patient can come into the institution at first for a maximum period of six months which may be extended for another maximum period of six months, being one year in all. He cannot undergo this treatment for more than a year. If he is not cured after the year is over, the ordinary provisions of the existing Acts will apply, but at any time during the year he may leave the institution by giving forty-eight hours' notice, or he may be discharged by the superintendent, or by order of the Board of Control, which, as I have said before, will frequently inspect these institutions.

The Bill was read a Second time and committed to a Committee of the whole House.

Petroleum Bill.—Committed to a Select Committee.

Administration of Justice Bill.—Considered in Committee and drafting amendments made.

Railways (Authorisation of Works) Bill.—Read a Third time.

Debate on the North-West Frontier, initiated by Lord Montagu of Beaulieu.

8th May: Reparations: the German Note.—Statement by the Marquis Curzon of Kedleston.

Local Authorities (Emergency Provisions) Bill; Increase of Rent and Mortgage Interest Restrictions (Continuance) Bill; and Advertisements Regulations Bill.—Read a Second time and committed to a Committee of the whole House.,

Agricultural Returns Bill, considered in Committee.

Universities of Oxford and Cambridge Bill.—Read a Third time.

10th May: Special Constables Bill and Salmon and Freshwater Fisheries Bills.—Read a Second time and committed to a Committee of the whole House.

Administration of Justice Bill.—Read a Third time and sent to the Commons.

Dangerous Drugs and Poisons (Amendment) Bill.—Passed with amendments, and returned to the Commons.

Re-Assessment of Property.—Discussion initiated by Lord Armaghdale.

15th May: Local Authorities (Emergency Provisions), Increase of Rent, &c. (Continuance) and Advertisements Regulations Bills.—Considered in Committee.

Agricultural Returns Bill.—Read a Third time.

Rent Restrictions (Notices of Increase) Bill.—Read a Second time and committed to a Committee of the whole House.

House of Commons.

Questions.

REAL PROPERTY LAW (CONSOLIDATION).

Mr. FOOT (Bodmin) asked the Attorney-General when the Bill to consolidate the law relating to real property is to be introduced?

The ATTORNEY-GENERAL: I regret that I do not think it will be possible to deal with this matter this Session.

Mr. FOOT: Is the right hon. Gentleman aware that an assurance was given by the Solicitor-General in the last Government that a Consolidating Bill would be introduced very soon? Is he also aware that, if there is no Consolidating Bill dealing with real property passed this Session, very great difficulty will be caused to the profession in view of the Law of Property Act coming into force next year?

The ATTORNEY-GENERAL: I am aware that it will be necessary to introduce a Consolidating Bill. The Parliamentary draftsmen are engaged upon the Bill. They inform me that it is a matter of considerable difficulty. There is a great deal of work still to be done, and in the circumstances I do not think that it will be possible to introduce a Bill this Session.

RENT RESTRICTIONS ACT.

Sir P. PILDITCH (Middlesex, Spelthorne) asked the Attorney-General if he is in a position to make a statement with reference to the position of landlords and tenants in England who have, respectively, given and received notices to quit at 24th June next in view of the extension of the Rent Restrictions Act to 31st July?

The ATTORNEY-GENERAL: This is a question of law. I can only state my own view of the legal position. In my opinion, tenants of houses to which the Rent Restrictions Acts apply and to whom notices to quit have been given are only entitled to remain in possession of those houses so long as they are protected by the Rent Restrictions Acts. (9th May.)

COUNTY COURT FEES.

Mr. GAVAN DUFFY (Whitehaven) asked the Home Secretary if his attention has been drawn to paragraph 41 of the recent Report of the committee to consider county court fees, in which they say that substantial fees are payable on investment of sums paid into the county courts by way of compensation under the Workmen's Compensation Act, 1906; and having regard to the fact that the committee express it as their opinion that it is unjust that the court should exact these latter fees, and thereby reduce the compensation which those who have suffered ought to receive, will he adopt the committee's recommendation that when money is paid into court by an employer he should pay a fee covering the investment, if any, and all subsequent applications for payment out, so that the beneficiaries may obtain the full amount of the compensation awarded them?

Mr. BRIDGEMAN: The Report to which the hon. Member refers is being considered by the Lord Chancellor and the Treasury. In so far as the committee recommend legislation or alterations in the Fees Order which are dependent upon legislation, steps are being taken to carry out those recommendations by means of provisions in a County Courts Bill which will shortly be presented to Parliament. The Treasury and the Lord Chancellor do not propose to come to a final decision as to the Fees Order recommended by the committee, or as to any particular items in it, until the County Courts Bill has been considered by Parliament.

MINING SUBSIDENCE.

Major BROWN (Hexham) asked the Prime Minister whether he is aware of the injurious effect upon health and property in many districts due to subsidence caused by mining operations and of the unsatisfactory state of the law in this matter; and whether the Government propose to take any steps to deal with this subject at an early date?

The SECRETARY FOR MINES (Lieut.-Colonel Lane-Fox): I have been asked to reply. The Government are fully alive to the importance of this matter, and, as has been stated on several occasions, it has been receiving the earnest consideration of the present Government and of their predecessors for a long time past. The formulation of any satisfactory proposals to alter the present position has presented so many and such serious difficulties that the Government have decided to recommend the appointment of a Royal Commission to make a full examination of the whole subject and to submit proposals.

Mr. LAWSON: In view of the success of the Mines (Working Facilities and Support) Bill discussed recently, why not ask the House of Lords to introduce another Bill on this subject?

TRANSACTIONS IN PROPERTY (PARTICULARS).

Mr. BECKER (Richmond) asked the Financial Secretary to the Treasury why it is necessary to make a property duty return to Somerset House on transfer of land, seeing that the land tax is now abolished; and will he, in the interest of national economy, recommend that the necessity for this return should cease?

Major BOYD-CARPENTER: I assume my hon. Friend refers to the requirements of Section 4 of the Finance (1909-10) Act, 1910, under which particulars of transactions in property are delivered to the Commissioners of Inland Revenue. The reasons for the retention of the obligation to deliver these particulars after the repeal of the Increment Value Duty are set out in the Budget statement for 1920 of my right hon. Friend the Member for West Birmingham (Mr. A. Chamberlain). I am sending him a copy. For the reasons contained in that statement I am unable to agree to abolish the obligation.

INCOME TAX.

Mr. FRANK GRAY (Oxford) asked the Chancellor of the Exchequer whether, in proposed legislation in relation to Income Tax, he will consider the advisability of the abolition, so far as possible, of estimated and average basis, and the substitution of a basis of the actual income for the preceding year?

Mr. BALDWIN: The abolition of the average basis in favour of the preceding year basis for purposes of assessment under Schedule D, is among the recommendations of the Royal Commission on the Income Tax which still remain to be dealt with. I am well aware that advantages attach to this proposal, but the present is not an opportune moment for preparing this reform.

Mr. FRANK GRAY asked the Chancellor of the Exchequer whether, in any proposed legislation affecting Income Tax and Super-tax, he will consider the advisability of making provision whereby only one return form, issued by the inspector of taxes, of all income shall replace the present system of many returns from different addresses in respect of different items of income, such returns in appropriate cases being transmitted after noting by the inspector of taxes to the Super-tax Department?

Mr. BALDWIN: The issue of more than one return form to particular taxpayers is a necessary corollary of the present system of Income Tax administration, but certain recommendations of the Royal Commission on the Income Tax, if ultimately adopted by Parliament, will considerably restrict the issue of forms.

COURTS-MARTIAL.

Mr. HERRIOTTS (Durham, Sedgefield) asked the Under-Secretary of State for War whether there is now placed on the wall of every guardroom a printed card explaining in simple language the rights of a soldier when brought up on a charge and when remanded for trial by court-martial, as recommended in the Report of the Committee of inquiry into the law and rules of procedure regulating military courts-martial?

Lieut.-Colonel GUINNESS: The answer is in the negative, but a new rule has been inserted in the Rules of Procedure providing that an officer shall explain to the accused his rights as to preparing his defence and as to being assisted or represented at his trial. The rule also provides that the accused shall be furnished *gratis* with a copy of the summary of evidence and shall state in writing whether he wishes an officer to be assigned to assist him at his trial.

SPORTING RIGHTS (INCOME-TAX).

Sir C. COBB (Fulham, West) asked the Minister of Health whether he is aware that, owing to the relief from half the assessed rates given to occupiers of agricultural land under the Agricultural Rates Act, 1896, the effect of s. 6 (1) of the Rating Act, 1874, which provides a particular method of bringing sporting rights into assessment where the land is let to a tenant, but the sporting rights are severed from the occupation of the land and are not let, is to give the owner of such sporting rights relief from payment of half the assessed rates attributable to the value of the sporting rights included in the assessment; and whether he will take steps to provide for the discontinuance of this advantage to such owners when introducing legislation for giving effect to the recently announced intention of the Government further to reduce the liability of occupiers of agricultural land from one half to one quarter of the local rates?

Lord E. PERCY: The point to which my hon. Friend refers is receiving my consideration. There is some doubt as to the legal position in the matter. (10th May.)

WOMEN MAGISTRATES.

Sir J. CORY (Cardiff, South) asked the Attorney-General how many women justices of the peace have been appointed to date?

The ATTORNEY-GENERAL: The number of women magistrates appointed to date is 1,034. (14th May.)

New Bills.

Coal Mines (Minimum Wage) Amendment Bill—"to amend the Coal Mines (Minimum Wage) Act, 1921," Mr. Adamson. [Bill 123.]

Passenger Vessels (Liquor) Bill—"to provide for the supply of liquor on all vessels carrying passengers in British waters": Lieut.-Col. Courthope, on leave given, by 184 to 128. [No. 124.]

Dentists Act (1921) Amendment Bill—"to amend the Dentists Act, 1921": Lieut.-Col. Dalrymple White, on leave given. [Bill 125.] (9th May.)

Summary Jurisdiction (Separation and Maintenance) Bill—"to amend the Law relating to separation and maintenance orders": Sir Robert Newman. [Bill 127.] (10th May.)

Matrimonial Causes (Regulation of Reports) Bill—"to regulate the publication of Reports of certain judicial proceedings in such manner as to prevent injury to public morals": Sir Evelyn Cecil, on leave given. [Bill 136.]

Trade Unionists' Emancipation Bill—"to repeal section 4 (3) (*a*) of The Trade Union Act, 1871": Mr. Gerald Hurst, on leave given, by 249 to 168. [Bill 137.] (14th May.)

Motions.

INTERNATIONAL LABOUR CONFERENCE.

9th May. Moved by The Minister of Labour (Sir Montague Barlow):

"That this House approves the policy of His Majesty's Government respecting the Draft Conventions and Recommendations adopted by the Third and Fourth Sessions of the International Labour Conference, held at Geneva in 1921 and 1922 respectively."

Agreed to by 235 to 176.

RATING BURDENS (REDISTRIBUTION).

Moved by Mr. Bruford:

"That, in the opinion of this House, the present system of adjusting the burden of local and national taxation is obsolete and should be revised in such a way as to lay upon the Exchequer its fair share of the cost of national and semi-national services, while giving the spending authority the utmost inducement to economy coupled with the minimum of central control."

Agreed to.

Bills in Progress.

11th May: Rating of Machinery Bill.—On motion of Capt. Reid, read a Second time by 177 to 75, and committed to a Standing Committee.

14th May: Finance Bill.—Amendment for rejection (Mr. Snowden) negatived by 271 to 157.—Bill read a Second time and committed to a Committee of the whole House.

Dentists Act (1921) Amendment Bill.—Read a Second time.

New Orders.

Administration Bonds.

The Principal Probate Registry has given notice that the President has decided that on and after the 1st day of June, 1923, no Administration Bond referring in the margin to any specific Company as possible sureties to a Bond will be accepted by the Principal or District Probate Registries. In the event of such a form being used after that date any such reference should be obliterated.

Board of Trade.

TRADE WITH OCCUPIED GERMANY.

The Board of Trade announces that the German Government has issued a decree, dated 26th April, modifying the decrees dated 16th and 29th March, with effect that firms domiciled in Germany may, on condition that any import or export licences required by German regulations have been obtained, deliver goods to, or accept them from, nationals of the States not participating in the occupation of the Ruhr, in respect of contracts concluded before 20th February last, even if the foreign firms concerned have procured licences from the Occupying Powers.

Societies.

Lincoln's Inn.

THE TERCENTENARY OF LINCOLN'S INN CHAPEL.

A Service to commemorate the Tercentenary of Lincoln's Inn Chapel was held in the Chapel on Ascension Day, Thursday, the 10th inst. The service was conducted by the Dean of Exeter, preacher at Lincoln's Inn; the lesson was read by the Venerable Dean of Canterbury, who has been both Chaplain and preacher to the Society; and the Dean of St. Paul's gave the address.

Dr. Inge, says *The Times*, spoke from I Corinthians iii, 12-13, "Now if any man build upon this foundation gold, silver, precious stones, wood, hay, stubble: Every man's work shall be made manifest: for the day shall declare it." He led back his congregation in mind to the years in which the chapel began its historic life—to the waste of the Thirty Years War, the sailing of the Mayflower, the Spanish Marriage, the uncertainties of the Church, the fall of Francis Bacon. He dwelt on the specious character of worldly fame, which allowed some men to go without honour who were deserving of it, and others to escape recognition until their best work had been done. But, he concluded, the gold was only laid by, like that of the builders, until the day came for its usefulness to appear.

Save for this address and the modern habit of the congregation, there was little or nothing in the service to bring one further forward in time than the seventeenth century. The choir and a few "players on strings" were in the gallery; and the music they sang and played was that of old English composers like Byrd and Dowland, Aldrich and Orlando Gibbons. One of the hymns was George Herbert's "The King of love my Shepherd is," to the tune of "Dundee," 1615; while the other, "Now thank we all our God," dates from 1646. The anthem was Byrd's "I will not leave you comfortless." Psalm cxxii. was sung to Aldrich's setting. With these and a few prayers, practically all the items of a service simple and quaint, but neither too simple nor too quaint, have been enumerated. The music was directed by Mr. Reginald Steggall, the organist to the Society.

University of London.

A Public Lecture on "Sir Matthew Hale" will be delivered at King's College, London, on Wednesday, 23rd May, at 5.30 p.m., by Professor W. S. Holdsworth, K.C., D.C.L., F.B.A. (Vinerian Professor of English Law in the University of Oxford). The chair will be taken by Dr. Ernest Barker, M.A., D.Litt., LL.D. (Principal of King's College).

Gray's Inn.

WHITSUN VACATION.

The Library will be closed on Saturday, 19th May, at 1 p.m., and will be re-opened on Thursday, 24th May, at 10 a.m.

United Law Clerks' Society.

ANNIVERSARY FESTIVAL.

The Ninety-first Anniversary Festival of the United Law Clerks' Society was held at the Hotel Cecil on Thursday, the 10th inst., the Lord Chief Justice presiding. Among the guests were Sir John Simon, K.C., Sir Claud Schuster, Mr. F. T. Barrington-Ward, K.C., the Earl of Halsbury, K.C., Mr. J. A. Compston, K.C., Mr. A. Jeeves, C.B.E., K.C., Mr. R. B. Montgomery, K.C., Mr. J. W. Ross Brown, K.C., Mr. Basil Watson, K.C., Mr. J. H. Cunliffe, K.C., Mr. James Hunter Gray, K.C., Sir Francis Newbolt, K.C., Mr. G. Thorn Drury, K.C., Mr. W. W. Grantham, K.C., Mr. Stuart J. Bevan, K.C., Mr. J. Arthur Barrett, K.C., Mr. J. D. Cassels, K.C., M.P., Mr. A. A. Hudson, K.C., Sir R. D. Muir, Sir Hugh Fraser, Mr. Wm. Bowstead, Mr. R. W. Dibdin (Vice-President Law Society), Sir Thomas Berridge, K.B.E., and Mr. C. G. May (Trustee).

After the loyal toasts

The CHAIRMAN proposed, "Prosperity to the United Law Clerks' Society." After a humorous reference to the part played by barristers and solicitors' clerks in conducting the affairs of their principals, he said that law clerks, whether they were the clerks of barristers or of solicitors, were subject to the ills that flesh is heir to. They fell ill and it was one of the functions of the Society to provide, so far as human foresight could, for the problems of sickness and even of death. It was quite clear that an enormous work had been done by the Society in this direction. This was a great friendly society, in the best sense—which was not the statutory sense—of that term. It was built and remained upon a foundation of self-help. It existed because those gentlemen who were at the very foundation of the practice of the law of the country had determined that they ought to take united action in order to protect one another, as well as those who depended upon them, from the accidents and the casualties of life, and they had done this with conspicuous and brilliant success. The public outside sometimes had hard words to say about lawyers. They denounced lawyers, they professed to despise lawyers, they sometimes made an appearance of deriding lawyers, but he observed that, in private and in public, when they were in trouble they went to lawyers. The Society was at the very base of the legal institutions of the country. It existed upon the foundation, as he had said, of self-help. It attracted to it with open doors and with open hearts all those who were connected with the legal profession. It consisted of a band of brothers. It had done enormously well, and as had been said by a distinguished poet, Rudyard Kipling, of a distinguished soldier, Lord Roberts—it did not advertise. And partly because it did not advertise, the great work which it did was not perhaps always sufficiently appreciated by those who were not members of the Society. He could wish the number of members was larger, and he dared say he was not wrong if he said that one of the many purposes of an agreeable function like that at which they were assembled was to attract more members to this great and wonderful Society. If those who might be members, but yet were not, only knew of its advantages—he did not say merely pecuniary advantages, though they were great; he did not say merely advantages in illness or in graver situations, though they were undoubtedly great—but the advantages of good fellowship and good society which awaited them if they became members of the United Law Clerks' Society, he could not imagine that any one of those who were qualified to do so, would hesitate to become a member. Those he was addressing admired other professions; but, after all, was there at any time any profession so kindly, so generous, so humane, so public-spirited as the profession of the law? The Society represented, as he believed, the very pith and marrow, the very essence and spirit of the good fellowship, the *esprit de corps*, of the legal profession. It stood upon its own sure foundations. It held out the helping hand to those who needed it. It exhibited a spirit, not of calculation, but of kindliness and of good will. It had now gone on for no less a period than ninety-one years, and would, therefore, very soon have reached its century. It was pleasant to think that the century was approaching; it was pleasant to think that they might live to see that century accomplished. But, after all, that century, when it came, would be but a figure. What was important was, not that that year might be reached; what was important was that undying spirit of brotherly love which had animated the Society from the very first day of its foundation. He remembered on such occasions as the present, and he always remembered the spirit of the lines which he would venture to repeat which came at the end of one of Robert Louis Stevenson's essays in his little volume, "Virginibus Puerisque," called "El Dorado," where he wound up his homily thus:—"O toiling bands of mortals! O unwearied feet, travelling ye know not whither! Soon, soon, it seems to you, you must come forth on some conspicuous hilltop, and but a little further, against the setting sun, descry the spires of El Dorado. Little do ye know your own blessedness, for to travel hopefully is better than to arrive, and the true success is to labour." It was in that spirit, remembering their hopes and aims, that he gave them with all goodwill the toast, "Prosperity to the United Law Clerks' Society."

Mr. H. ELLIS STAPLEY (Treasurer), returned thanks, observing that the Society carried on its work successfully year after year alleviating numerous cases of distress, both among members and non-members and their dependents. He regretted that far too often they had to deplore their inability to do as much as they would wish owing to the limited amount at their disposal from the benevolent fund account. That was one branch of the work, and another was that of encouraging young clerks to appreciate the advantages which the Society offered as a friendly society in the shape of thrift and self-help, so that, whilst they enjoyed the benefit of youth and good health, they might, as members of the Society, make some provision for future contingencies over and above that which they were required to make by the National Health Insurance Acts. Owing to the liberal support the Society had always received from the members of the profession, it was able to offer greater benefits at a less cost than any other friendly society in the Kingdom. Amongst the many cases which were being assisted at the present time was that of a widow of 73 years of age who had been regularly helped during the last twenty years, and another that of the widow of a non-member who had been receiving benefit since 1901. And yet another case was that of a member who for more than sixteen years had been in the receipt of superannuation benefit, he being prevented from working owing to illness. Up to the present he had received a total of nearly £700.

Sir JOHN SIMON, K.C., proposed the toast of "The Chairman." He said he supposed that many of those present had often wondered what it was like to be a judge, to exchange the controversies of advocacy for the serenities of judgment, and the method of speech by which one had to say, "I submit," for the far more sublime exercise of saying, "I know," or "This is my opinion." How would it feel, to borrow an expression of Bernard Shaw's, which he applied most unjustly to the Civil Service, to be "like the fountains in Trafalgar Square which play from ten to four." What it would be like to start business at half-past ten, or, if they wanted to justify a whole holiday on Saturday, to start at a quarter past, as a concession. What it would be like if they did their work, not standing up, but sitting down. He had always been convinced that such temptations to bad temper as came to him were largely due to the fact that he did his work standing up. Nobody could really be bad tempered as long as he was continuously sitting down, and he believed the urbanity of the Bench, the kindliness with which they dealt with the members of the Bar, was not to be ascribed to any unusual control which they had over ordinary human passion, but to the fact that they were not allowed to stand up. What it would be like to be a clerk whose income, and whose interest in one's own income, had nothing to do with the number of the cases one had to attend. He felt that the most negligent would never fail to be present in court at the beginning of every case. These were some of the speculations which assailed him when contemplating the difference which must come upon a man when he passed from the fierce controversial work of litigation and of advocacy to the responsible position of hearing cases and pronouncing judgments. He thought it was one of the best things in the legal system that in this country the judges were chosen from among those who had been brought up in the active controversy of litigation as advocates, men who had been known to most of them, known one way or another throughout the practice of the profession—that was what made the law the fraternity that it was. It was a band of brothers, the members of which exercised the undoubted privilege of brothers—that was to say, the privilege of quarrelling with one another. And so, on all occasions, let them forget the misunderstanding and remember the comradeships, remember that there was a bond which united them based on the good British tradition that people could have their controversies and yet remain warm and close friends.

The CHAIRMAN, in returning thanks, said that it had always been the ambition of his life to stand well with the profession of the law. In that great and wonderful and generous profession he had always received the greatest and most unexpected kindness. Sir John Simon had asked what it felt like to be a judge—he was tempted to make two answers. In the first place, though there was much to be said for it, it tended to be a little monotonous. His second observation was that he hoped—and they all hoped—that if and when Sir John Simon should resist and finally destroy the ambition of having desired to be, or having become the Prime Minister of this country, he might then devote himself to what he (the Chairman) felt sure was his natural forte, and occupy and adorn the highest judicial position the country had to offer. When that time came, either before or, if he pleased, after he had satisfied the—to him (the Chairman)—unintelligible desire to be the Prime Minister of this country, and he should devote himself to that which he (the Chairman) conceived to be his natural task, then he would be able to answer the various questions which he had propounded.

Mr. F. T. BARRINGTON-WARD, K.C., in submitting the toast of "The Legal Profession," said there was wonderful continuity of the wonderful tradition of the profession of the law. It had a wonderful history and it was a privilege to belong to a profession which had such a history. He thought that the qualities which made for success in the profession and which really counted were, first of all, loyalty—never to let another man down. The Bar was absolutely loyal to the Bench. Friendship was the next quality. Then there was courage—one had to stand up to the judge, whoever he was, and the judge respected one for it. He was delighted to see women on special juries when he practised before them. They brought to bear extraordinarily good judgment, and the effect of their serving was to make that tribunal far better than in the days when it was composed only of men.

Mr. HUNTER GRAY, K.C., acknowledged the toast.

Mr. R. M. MONTGOMERY, K.C., submitted the toast of "The Trustees and Honorary Stewards." He said that a proof that the Society stood very high in the estimation of the profession was furnished by the fact that Sir Homewood Crawford, the City Solicitor, was its senior trustee.

Mr. C. R. MAY (trustee) returned thanks. He urged that principals, more particularly members of the Bar, who were in closer relation to their clerks than were solicitors, should endeavour to get their clerks, especially the younger clerks, to join the Society. The solicitors had larger staffs to deal with, but they should also make a point of urging the advantages of becoming members.

Lord HALSBURY, K.C., proposed the health of "The Ladies," Mr. RUSSELL DAVIES returning thanks.

An excellent selection of instrumental and vocal music was provided.

The Central Discharged Prisoners' Aid Society.

A meeting of the Central Discharged Prisoners' Aid Society, Victory House, Leicester-square, W.C.2, was held, by courtesy of the Treasurer and Benchers of the Honourable Society of the Middle Temple, in the Middle Temple Hall, on Thursday, 10th inst., at 4.30 p.m.

Mr. H. A. de Colyar, K.C., occupied the chair, and was supported by The Right Honourable Edward Shortt, K.C., The Rev. Master of The Temple (the Rev. W. H. Draper), Miss Gertrude Tuckwell, J.P., Mr. Theobald Mathew, Mr. H. F. Manisty, K.C., and others.

Amongst those present were:—Professor Kenny, Mr. J. W. Weigall, Mr. and Mrs. W. J. H. Brodrick, Mrs. Sargeant, Miss Manisty, Mr. R. J. Wall (Home Office), Mr. J. R. Farewell (Home Office), Miss Clara Andrew, Mr. and Mrs. F. W. Sherwood, Mr. Heber Hart, K.C., Mr. S. H. Emanuel, K.C., Miss Rose Schuster, Mrs. Nelson Feddon, Miss Marguerite Feddon, Mr. J. E. Pickering, Mr. F. W. Wallace, Mr. Morgan I. Finucane, Mr. C. M. le Breton, K.C., Miss Wright, The Rev. Father Day (Brixton Prison), the Rev. Father Musgrave (Wormwood Scrubs Prison), Mr. Joseph Sharpe (Stipendiary Magistrate), Mr. C. A. Peters, Mr. R. Hall, Mrs. Pulsford Hobson, Mrs. Evans, J.P., Mr. W. R. Roberts, Mr. D. G. Hemmant, Mr. W. H. C. Davey (Reformatory Industrial Schools), and Mr. F. G. L. Spain, F.A.A.

The CHAIRMAN: Ladies and Gentlemen, I have been suddenly and quite unexpectedly called upon to take the chair on this occasion. Really, the only reason why I have been asked to do so is because I happen to be a Bencher of the Inn to which this hall belongs. At the same time, I may mention that it gives me great pleasure to be of any assistance at all to the Society on whose behalf we are assembled this afternoon.

Let me commence by saying that amongst those unable to be present and from whom expressions of regret have been received are the following:—Lord Carson (Master Treasurer of The Temple), the Home Secretary, the Lord Chief Justice, Mr. Justice Horridge, Mr. Justice Sankey, Sir Robert Wallace, K.C., Lord Phillimore, P.C., Lord Methuen, Lord Darygton, Sir Leslie Scott, K.C., M.P., Sir Douglas Hogg, K.C., M.P., Sir Ernest Pollock, Sir Alfred Hopkinson, Sir Herbert Creedy, Lady Mond, Mr. Arthur Powell, K.C., Mr. J. A. R. Cairns, Mr. John Galsworthy, and others.

I do not think it is necessary for me, especially as several speeches will soon be delivered of an interesting character, to say anything in praise of the Prisoners' Aid Society. The very name of that Society carries its own recommendations on the very face of it. What I know about the Society is mainly derived from a very active member of it, but I can quite understand, without receiving any further information, that a Society of that kind has a great work before it, and must necessarily do a world of good. I will mention one incident which may probably not be out of place. I remember some years ago, on a very foggy, dull afternoon, finding myself in a church which may be known to some of you—Corpus Christi Church, Maiden Lane. It was one of those dreadful November days when you really cannot see anything without artificial light. I thought at first that I was alone in this church, but suddenly there emerged from the darkness a man who looked very miserable, and he came up to me and whispered "I have just come out of prison, sir; will you help me?" Well, of course, I helped him to a limited extent, but I now see what an admirable thing it would have been if I had been able then to have referred such a man to a Prisoners' Aid Society. For a Society of that kind can do far more than any individual. It can not only help with money, but it can also help the man to get employment, and it can also look after him, and watch him and prevent his getting into bad ways and getting again into bad society. Well, the Prisoners' Aid Societies cannot, of course, do very much without pecuniary help, and I trust that those who are present here to-day will feel inclined, if they are not already subscribers, to become subscribers to the Society. The Master of the Temple, who is here, will say a few words to you now. He cannot make a very long speech because he is due in the Temple Church for an Ascension Day Service. I call upon the Master of the Temple to address the meeting.

THE MASTER OF THE TEMPLE (the Rev. W. H. Draper): Mr. Chairman, Ladies and Gentlemen, it is quite true that I only have a very little time, but I felt at once when I was requested to come and say a few words that it was my duty as well as my pleasure to do so in this, one of the best of causes; and holding the office I do, and even being only a man, no good cause ought to seem foreign or alien to me. Of course, I have not been doing the work of a clergyman for forty years without having to deal sometimes with discharged prisoners, as well as occasionally with prisoners before they were discharged. I know very well from their experience, as well as I want you to know from your own sympathetic imagination, what it is to be a prisoner, and what it is to be a prisoner discharged into an unsympathetic world, and what difference it makes to a discharged prisoner if there is someone, and still more if there is a band of people, whose profession and vocation and resolution is to meet them as friends. That is the real point we should have in our minds. And here is something of the spirit of that old Puritan, who, when he saw a criminal of any sort being led off to prison, was accustomed to say, "There, but for the grace of God, goes John or William Bradford," whatever his name was. I, therefore, ask you in that spirit to listen to what is said to you this afternoon by those who know much more about the working of this Society than I do, and to support them to the utmost of your power, and with a fervent charity to so good a cause.

TRUSTING THE EX-PRISONER.

I remember very well one or two cases in which the attitude of friendliness towards a prisoner when he came out of jail just made the whole difference

in the man's career. One case that I think of was the case of a judge's clerk. The man had done something which he ought not to have done, for money, and was sentenced to a term of imprisonment. The judge had found him, except for that one incident, a good clerk and a faithful servant, and when the man came out, he by his own instinct of respect—and I think it is no exaggeration to say affection—for his old master, went to see him, told him that he had come out of prison, and expressed the immense sorrow which he felt for having disgraced himself and the calling which he had followed. The judge did hardly anything in words; he greeted him kindly and said he was sorry for what he had done, and then, to show that there was a feeling of sympathy and of willingness to try him again and give him a second chance, he on the spur of the moment picked up a small bag of money which he wanted to send to the bank and said to this man—Harrison, I think was his name; I am speaking of forty years ago—"Will you take this money for me and go and put it in at Coutts' Bank?" That made the whole difference in the man's career. He thought if his old master, the judge, could trust him in that way, and trust him with money to pay into the bank, life was not quite over for him; he tried again and such a difference did that incident make in his career that he never again got into trouble through the whole space of years that his old master knew him. A similar thing happened in the case of a very clever burglar. He had burgled the house of a man who was rather cleverer than himself, and when he got into this man's house, without knowing what kind of place it was, he touched a wire, which at once put the master on his guard and woke him up, and before he could get any burgling done, except to get into the house, he was arrested, charged with burglary and got a comparatively short sentence for doing it. That man whose house he burgled, besides being a very clever scientific man, was also very sympathetic. He went and saw this man in prison and made such friends with him that when his term was over he befriended him—to use the "Good Samaritan" language—and was the means of pulling that man out of a misguided and bad life and sending him forward in the right way.

What those two men did in the spirit of friendship is what the Society is doing for these people every day. I only mention that because an ounce of fact is worth a great deal of theory, and if you will act in the spirit of that judge and the man of science, in spite of my imperfect account, I shall feel I have not spoken in vain to-day and that some of these poor men may have the chance, through your kind help and the work of this Society, of turning the corner and going straight.

The CHAIRMAN: Ladies and gentlemen, I have great pleasure in calling upon the Right Honourable Mr. Shortt, who, as we know, was Home Secretary in the late Cabinet. He has a great knowledge of everything connected with such a Society as this on behalf of which we are assembled, and I am sure his speech will be most interesting to all of us.

The Right Honourable EDWARD SHORTT, K.C., who was warmly received, said: Mr. Chairman, Ladies and Gentlemen, as the Chairman has told you, I was in the late Government for very nearly four years in the position of Home Secretary, and in that position you are brought into contact with very many interesting and engrossing subjects; but I do not think any of them are more interesting or more engrossing than that which is concerned with the administration of the Criminal Law. A Home Secretary has a very great deal to do with the administration of the Criminal Law. To him comes the question of revision of sentence very often, the treatment of prisoners in prison, and, what is even more important, the assistance and help of prisoners when they have been discharged. It would be almost an impertinence of me to remind you that there is no subject which could be so engrossing as that of crime and criminals. You are brought into close touch with a most complex question of human weakness and into close touch with all endeavour that is being made in every quarter for the cure of that weakness.

To-day we are concerned with what, in my view, and after my four years' experience, is one of the most important parts of the administration of our criminal justice. You are not merely a friendly society, a philanthropic body; you are, in my view, a most essential portion of the administration of the criminal law. It is perfectly true that criminal administration must take into consideration inevitably the deterrent and the punitive side of punishment, but I am glad to say that more and more are we realising the essential necessity and the immense good that is derived from a reformative side to our punishment. Many years ago, no doubt, the reformative side was very greatly neglected, but under great reformers—and I only need mention one, Sir Evelyn Ruggles-Brise—under great reformers of that kind very great change has come over our system. I do not pretend for a moment that our prison system is perfect to-day; I am sure those who are responsible for it will agree that there is a very great deal that remains to be done; but I do say that a great deal of the improvements that one would like to see carried out, many of the improvements which I, with the Prison Commissioners, have discussed during the last three or four years, are blocked for want of money. It is the old, old story, the want of money blocks so much that might be done.

A TRIBUTE TO PRISON OFFICERS.

And equally I do protest against the allegations that are so frequently made by people who know little of the subject against the prison administration and those who are responsible for it. I read attacks made upon warders in our prison as though they were a class of most brutal ruffians. Nothing could be further from the truth than that. I know them well, and I know many people who also know them well, and taking them as a whole no class of men realise more than our warders do and our prison officers do, no class of men realise more what an immense opportunity they have for assisting their fallen brothers and sisters. I have been struck many a time in talking to prison officers by the great sense of duty that they seem to possess, and the keen desire that they all have to make what they consider their life's work a really beneficial and profitable work when they have done it. I would like to take one of the first public opportunities I have had since I left office to pay a tribute to a body of men that I look upon as a most valuable body, a body of men with a stern sense of what is required of them, and what they ought to do.

Now, sir, so far as our prisons are concerned—and I hope I shall not bore you if I say a few words about it; it seems to me very germane to the objects of your Society to know what is done in prison to help the men with whom you will subsequently have to deal—in our prisons to-day we have a very different spirit, a very different principle from that which used to obtain. The deterrent is still there, the punishment is still there—for many men, of course, the mere fact of being in prison is in itself a very stern punishment; there are others who see no shame in it—but for both alike there is inside the prison walls a very real spirit of desire to reform. To-day everything is done which can, if possible, bring out that little spark which exists in every human being, bring it out, develop it, and prepare it for contact with the outer world.

AMELIORATION OF PRISON LIFE.

Very many people who denounce our prisons because of the system, the immense number of hours of solitary confinement, do not appreciate in the least that it is almost impossible, at any rate with the money at our disposal, to avoid that. Solitary confinement cannot be avoided, because you cannot afford a sufficient body of men to have warders over those who are in association for more hours than we have at present. I confess that, in my view, the number of hours during which men and women are locked alone in their cells is far greater than is desirable, and one of the reforms that I know the Prison Commissioners would like to carry out, if they could afford it, would be a much shorter period of time in which prisoners were kept in solitary confinement. But you must have the money to provide the staff. The staff nowadays only works eight hours, which adds to the difficulty, and therefore, it is almost impossible with our present staff of officers to avoid it. I fully appreciate, and I know I may speak of the Prison Commissioners whom I know, that they fully appreciate that a great reform would be to leave men and women less alone, not to give them so many hours of solitary confinement, where they have no one to speak to, no one to see them, and to reduce that to a minimum. But there is, it seems to me, a great deal done which does conduce and which does assist towards the restoration of self respect.

I have no doubt there are many in this room to-day, but there are, unfortunately, very few in the outer world, who know of the concerts, the lectures, the entertainments that are given in our prisons. Very few outside know that in most prisons they have their own debating society. Very few outside know of the steps that are taken, almost invariably, and almost everywhere, to do something to lighten the horrors of a prison existence. They are being done, and they are being done by a devoted band of men and women who give their services for nothing, who do it for pure love of good work, and to whom, I am sure, every citizen in this country owes a deep debt of gratitude. That is a portion of the way in which we are seeking to alleviate prison existence. The food and the general medical attendance is everything that can be desired; no man or woman who, unfortunately, is sent to prison need leave prison without being restored medically, physically restored, and able to tackle the world. But, of course, they cannot tackle the world when they come out without help. One knows the theory is that when a man or woman leaves prison they have purged their offence, and it ought to be at an end. But it is not. The punishment which is inflicted by the sentence of the court, which is imprisonment for a period of time, is not over when they get outside. Anyone who has experience of these matters knows perfectly well that many a man who has served a term of imprisonment begins his real punishment when he leaves prison. He is unable to get work; he is shunned, very often he loses his self-respect; he does not like to look his fellow-men in the face—all those things have to be lived down, and it is to help him to live them down that your great Society exists.

THE BORSTAL SYSTEM.

We have, in addition to the system for ordinary prisoners, a system of dealing with the youthful delinquent, which I believe—indeed I think I can confidently say—is second to none in the world, which has been the subject of a great deal of attack, but largely, attack by those who know nothing at all about it. A few people see in the newspapers an announcement that a Borstal boy has been re-arrested, caught in some crime, and they denounce the whole system because of the one or two. People who criticise the Borstal system know of the 20 or 30 per cent. who are not saved, who are not reformed, who are not made into good citizens. They know nothing of the 70 per cent. of success that follows that great system. That 70 per cent. is what we ought to look at. If, instead of 70 per cent., we had only 20 per cent. of reformed, only 20 per cent. of those who are sent to Borstal were turned into good citizens, the money that we spend upon it would be well spent indeed. Still more so when, as is the case, you get some 70 per cent. of those who are sent to Borstal reformed and turned into good citizens. You read in the newspapers of escapes from Borstal, you read of the boys from Portland or the girls from Aylesbury who run away and try to escape from it. I attach no importance to that at all, and for this reason. One of the main principles of our system of dealing with these young people is to try and inculcate in them a sense of honour. In order to do that you must put them on their honour and

abide by that decision, and of course the result of putting all these boys and girls on their own honour is that their opportunities to run away are unlimited.

Borstal is like a great public school. It has magnificent playing fields; round the playing fields are a lot of woods; some of them very thickly wooded. I have myself seen on a Saturday afternoon eleven different games of football going on at the same time upon the Borstal playing fields. No public school in this country has better playing fields than that wide expanse outside of which there are these thick woods. Well, you have those 400 boys on their honour; there is very little guarding of them, very little watching; they have got their monitor class at the top, but it is perfectly impossible to keep a watch on so many boys, and it is astonishing to me that so few of them break the faith that is reposed in them and try to make their escape into those woods. After all, there is the fun of the thing, the temptation to make the venture and to get away. Yet, in spite of that, there are very, very few boys, either at Borstal, Feltham or Portland, who take advantage of the opportunities which are given them and try to escape. When you read of a boy here and a boy there (out of the hundreds) that tries to escape, I say it is grossly unfair to attack the system or those responsible for it, upon evidence of that kind. As to the statements of brutality, let me say at once there is no brutality. Of course, no body of men, prison officers or others, are without a black sheep here and there, but as far as possible every prison officer is carefully chosen, chosen because of his antecedents, chosen because of his qualifications to deal with these boys. And a very, very ticklish task it is to deal with boys of that character. When I remind this body of people interested in social work that we have a Prison Commissioner to-day whose main duties are at Borstal, and when I remind you that he is that great social worker, Mr. Alexander Paterson, I am sure you will have perfect confidence in the administration of that system. I do not think, during my whole period of office, I ever did a better stroke of work than I did when I secured Mr. Alexander Paterson as the Borstal Prison Commissioner.

That is the way in which the work is carried on in those establishments. We endeavour—I am falling back into an old habit; it is no longer part of my job but for many years it was; that is why I use the word "we"—but those responsible endeavour to make reform one of the whole objects they have before them. They attach the greatest value, as citizens, to the product that they turn out. They attach the greatest value to the fact that they are taking boys and girls from criminal associations, criminal surroundings, criminal training, and putting them into a state in which they will be converted into good and valuable citizens. It is a great work but, as I said in regard to the prisoners, it is a work which could never be accomplished—certainly nothing like to the same extent—without the assistance of the Borstal Association. The Borstal Association for the younger deliquent and the Discharged Prisoners' Aid Societies for the elder delinquent are as essential for the reformation of prisoners, the reformation of boys, the reformation of girls, the reformation of the fallen as is the Prison Chaplain or any other person connected with the whole association.

The Work of the Society.

I do not think it would be possible for a man to plead a greater cause or a greater work than that which you do. I know perfectly well that everyone who has held the office of Home Secretary since there were Prisoners' Aid Societies—and that is a great many years now—I know that every Home Secretary in turn has felt how great was the work that you do, and equally how essential for the carrying on of that work is money. Money we must have, and, therefore, I hope that, as far as possible, the public will appreciate and learn what these Societies are doing. If only the public, if only those who are responsible would go down and visit our prisons, see what is being done, visit the Borstal Institutions, visit the Certified Schools, whether for the young or the older, the Reformatory or Industrial Schools, visit them and see for themselves, see what the field is, see what the substance is, see what is the subject upon which the work is being carried out, the kind of boy, the kind of girl, the kind of children that we have there, they would appreciate what an enormous work can be done. They will see for themselves a great reforming influence being carried out. If they will follow that up with the study of the history of only a few years, the statistics of a few years, they will find what an enormous effect already this sort of work is having upon the prison population. They will see for themselves that not only in the "star" class but in the worst class, in the class even of those habitual criminals who are sent to Camp Hill, this great work is having its effect.

Who would have believed, before it was tried, that you could take men whose life was a record of crime, who were devoted to a life of crime and then, having been tried by a jury of their fellow countrymen and sentenced to terms of imprisonment as habitual criminals, that you could take men of that kind and, by playing on that little spark of honour that is to be found in every man and woman, reclaim a considerable proportion of them? I should say that most social workers would have shaken their heads and said you cannot reclaim one per cent. of them in a place of preventive detention. Believe me, the percentage is greater than that already. I only wish that people would visit places of that kind themselves and see how they are conducted, see how the system is carried out. The Prison Commissioners would welcome anyone who is seriously interested in this matter paying a visit—of course no one wants them to go there from mere idle curiosity—but if anyone would care to go over one of these institutions I know the Prison Commissioners would welcome them, and then they would see what is done inside, and would appreciate what can be done to complete that work.

Yours is the work to put the crown on the edifice. You get your criminal, you get him when he is serving his time of imprisonment, you get him when he is out, and it is when he is out that the completion of the work is to be done. It lies with you to do it. I, therefore, do earnestly hope that the public will try and appreciate your work, try and understand it. It is not known in the way it might be. You talk to the ordinary men in the street. They know nothing about our prison system, they know nothing of your work; it is only those who are connected with the administration of the law who know; if it were more widely known it would be ten times more widely supported. I do hope that the great work which you are doing will be appreciated by the public, and once it is I know it will receive the support it deserves. Everyone who has been in the slightest degree connected with our criminal administration appreciates and values your work to the highest degree.

The Chairman: It gives me great pleasure now to call upon Miss Gertrude Tuckwell, who is full of sympathy with the objects of the Prisoners' Aid Society, and is fully informed upon everything connected with it.

Miss Gertrude Tuckwell: Ladies and Gentlemen: You have got to remember that, in the highly artificial state of society in which we live, everything costs something, and it is only those who are in possession of a competence who can really buy. Take education. After all, it is only the most elementary education which is open to all. In the Aylesbury Borstal School, which our ex-Home Secretary has told us to visit, and to which I have been, I found there was only one girl out of 150 who had been to a higher grade school; all the rest had been only in the lower standards. Education, which means a chance of opening out our life to the sense of all the gorgeousness that is within our grasp if we only knew where to find it, and how to work for it, is debarred to an enormous class of the population. Just think of the love of beauty that there is in every girl and boy. Go down, as I have often done, to one of the East End slums, and if you are carrying a bunch of flowers you hear the cry, "Please, teacher, give me one." Every child wants what is bright and beautiful, every child wants merely to get it. You know the sentence in the Koran: "He that has two loaves let him sell one and buy therewith the flowers of the Narcissus. For as bread is good for the body, so are the flowers good for the soul." But if you have not got two loaves, or one loaf, or half a loaf, how are you to get this sense, this outlook—that sense of what life really means, that keeps us out in the open, away from the prisons?

Children's Courts.

I think it is due largely to this gentleman (Mr. Shortt) that I am in the happy position of being a Justice of the Peace and engaged on the great work in connection with the Children's Courts, in which the magistrate sits in the middle and two lay justices sit on either side. When I first attended these courts—and I think that other women would tell you the same—I was rather amazed at the number of round-faced, jolly looking boys who appeared at the table before us. The magistrate asked "What is their offence?"—"Playing football"; and the woman justice said to the magistrate "The children ought to play football; our children play football," and he replied seriously, "You would not like it in the streets if your hat were knocked off. Half a crown"! So one class go to Eton and have playing fields, and another class have to go to Borstal to get those playing fields to which Mr. Shortt has referred, and the other class, unless they go, perhaps a long way to a park, have nothing but the street in which to play football.

It seems to me that instead of acclaiming, as some people do, the prisoners as being people who are thoroughly bad and base and wrong, we should feel that it would take a hero, under the conditions in which some of the children live, to enable them to keep straight. So we are under an obligation to all prisoners, an obligation which this Society tries to discharge; it helps these people, and we have every one of us got to help it as far as we can, because we are out of prison and they are in, and they are in, as I say, not because of their fault, but because of an entirely artificial state of society in which they were first raised. We have got to give everything we can to help them because they ought never to be where they are.

THE MAKING OF CRIMINALS.

Of course, I dare not say before Mr. Shortt that there are not some people in every class who ought to be there. There are some people who are vicious, who are bad, who start wrong; there are such people, I suppose, and about them we can only say, as the Master of the Temple has said, supposing you are turned out bad, vicious, supposing you are turned out—not one of those mentally deficient people who are so handicapped that they have to be helped—but turned out really bad, supposing you start life with horrible, vicious tendencies, we can only say of such people: "There, but for the grace of God, go I." There are the two classes, the people who ought never to have been there, and the people who, if God had not helped us, if the Creator had not saved us from having these tendencies, we might have been among; and all the help and tenderness that can be given to those who have been spoken of so admirably by Mr. Shortt must be given.

There is an old legend which I read again last night, and if the language is quaint, it is not mine. It is called "The Stainless Soul." It is the story of a girl who was in Paradise and who was seated always at the feet of the Mother of God, and she was surrounded by the other Saints. And when the girl looked at St. Catherine, who had been broken on the wheel, and at St. Lucia, and thought what pain she had borne, and St. Barbara and all the others, she said, "What have I done that my robe should be stainless and white? Who am I that I should be here when they have gone through so much to attain it"; and she was so despondent that the Holy Virgin said, "You shall have your wish and go back to the world and see if you can do some great work there and then come back to me." The next day she was back again in the world and men praised the whiteness of her robes and she was acclaimed, as before, for her purity. Weeks passed and there seemed no great work for her to do, and it seemed to her that her wish was not to be fulfilled. The last night before she was to go back she opened her casement, which looked into the walled garden of the house where she lived, and she heard the sounds of the great town. She heard a voice crying for help, the voice of someone who seeemd to be in great distress. She went down into the garden, gathering her robes about her so that they might not come in contact with the flowers, opened the gate and looked out, and she saw where there was one struggling and sinking in the mire and dirt, losing his foothold, and she looked down and started to help him. But as she looked down she saw there was mire and dirt and that in reaching him she must soil the robes which had been given her. Very sadly she returned to the garden. The next morning she was back in Paradise, and when she went to meet St. Catherine and St. Lucia and St. Barbara and the other Saints, and the Mother of God herself, she saw that their faces were very stern and that there were tears in their eyes, and she looked down and found her dress was foul and covered with dirt, and soiled as no earthly mire could soil it. She knew then that, because she had turned away and refused to help one who was in distress, lest it would have dirtied her robes, at that moment she had stained her robes for ever. And the Saints who had suffered to gain their glory said, "Oh, my sister, your grief and your trouble and your suffering shall be greater than the sting of any sword." So it shall be with us, if in any spirit of complacency or any other feeling than that of absolute humility and comradeship we do not hold out our hand to help the prisoners and to alleviate the sufferings of those whom we are sent to save.

Mr. THEOBALD MATHEW: I must confess that I rise with some shame, because, in point of fact, this is the first meeting of the Central Discharged Prisoners' Aid Society that I have ever attended, nor have I ever made hitherto the smallest contribution to its fund. But since I have been asked to make some observations this evening, I may say I have read a good deal and heard a good deal about the Society and I beg to announce that I am a convert, I have seen the light and I now propose to carry the torch and to make an offering to its funds.

THE CHANGE IN THE ADMINISTRATION OF THE CRIMINAL LAW.

In the course of my researches, I was struck, as I am sure all have been struck, by the extraordinary difference between now and the past in relation to the administration of the criminal law. I was looking at the *Gentlemen's Magazine* for the year 1875 a few days ago, and I found a story that illustrates, I think very well, the extraordinary brutality of the eighteenth century in relation to criminal matters. The article was headed "Considerate conduct of a Judge," and then the story followed: "Last Thursday Mr. Baron [Somebody or other] at breakfast suddenly recollected that he had not forwarded to the authorities the recommendation to mercy which the jury had made in the case of a prisoner he had sentenced to death the previous Thursday. He also recollected that that day was the day of the execution. The kindly judge at once sent his footman to Newgate, desiring him to stop the execution, if possible. We are glad to say," said the *Gentlemen's Magazine*, "that the messenger arrived in time and the execution was postponed, and the footman returned to his employer with the grateful thanks of the convict."

Since those days we have advanced a good deal, and now we have learned, largely with the assistance of such societies and the people who support them and who are interested in these matters, that the prisoner is not necessarily a bad fellow, that very often he is really a good fellow. We have learned also that there can be punishment of a reformative kind which is not brutal, and we have learned that he is not necessarily an outcast when he comes out of prison. Lastly, we have learned that, however much he may deserve his punishment, perhaps he has a wife and family, and that they ought to be looked after while he is in prison. All I can say is that I wish success to the Society I have so recently joined and trust it may prosper.

Mr. H. P. MANISTY, K.C., proposed a vote of thanks to those who had addressed the meeting, which was carried unanimously.

Divorce Court Reports.

At the May Sessions of the Convocation of Canterbury, which ended on 4th May, at the Church House, Westminster, Prebendary F. Dormer Pierce, Vicar of Brighton, moved a resolution in the Lower House expressing the opinion that proper discretion has not always been exercised in recent years in publishing reports of divorce and other cases, and that if the common law is not adequate to enable the Director of Public Prosecutions to take action when need arises further legislation is required. He said the subject was one of urgent and paramount importance. It was practically impossible, even if it were desirable, to keep the newspapers out of the hands of a generation of boys and girls who claimed almost complete liberty in regard to what they read. Journalists themselves deplored the extent of the evil. It had been found necessary to establish some form of censorship in regard to the theatre and the cinema. The printed word was quite as capable of harmful effects as the appeal to the eye. Other countries, which possibly they might consider as having a lower ethical standard than our own, exercised a very rigid censorship in this matter. There was little doubt that further legislation was urgently needed. It had been found impossible to remedy this evil by agreement with the press. One newspaper standing out made it impossible for the others not to report a case, even though the great majority of papers agreed. A group of M.P.'s was engaged in drafting a Bill.

Canon the Hon. J. G. Adderley, seconding the resolution, said he thought the Church should appeal to newspaper proprietors as professing Christians or Churchmen to do what they could themselves.

The Archdeacon of Sudbury urged that anything touching the freedom of the press was such a serious matter that they ought to have further information before committing themselves to the resolution.

The resolution was carried unanimously.

Lord Cave and Guildford.

In recognition of his services to Guildford as Recorder from 1904 to 1915, and the services he had rendered to the State, the honorary freedom of the borough was, says *The Times*, bestowed on Lord Cave, the Lord Chancellor, on Saturday the 5th inst. A silver casket, containing the scroll recording the event was presented to him by the Mayor, Mr. J. B. Rapkins.

In accepting the gift and the honour conferred upon him, Lord Cave said that to-day the law of local government in this country was self-government. He did not say it was always better than it was in the old days, or always less expensive. He noticed that the total expenditure of the country on self-government had reached a figure closely approaching £200,000,000 per annum, and that the debt was nearly £350,000,000. But whether the results were good or bad—and they were mostly good—they were everywhere governing themselves. He was glad to see an increasing disposition on the part of successive Lord Chancellors to appoint to the magistrates' bench both women and representatives of the manual workers. It was a right and wise tendency, not because they represented a class, but because they understood those who came before them, whether they happened to be women or workers.

After the ceremony the new honorary freeman and Lady Cave were entertained by the Mayor and Mayoress of Guildford.

Lawyers at Golf.

In a match by singles and foursomes played at Bramshot on Saturday the London Solicitors' Golfing Society beat the Bar Golfing Society in the morning by four matches to two, with two matches halved. In the foursomes, however, they lost three matches out of four foursomes, and the match finished all square on the day. The results were:—

SINGLES.

BAR G.S.		LONDON SOLICITORS' G.S.	
G. D. Roberts	0	K. M. Beaumont (5 and 4)	1
W. A. Donald	0	M. G. Bradley (2 and 1) ...	1
L. L. Cohen (halved) ...	0	C. H. Drayton (halved) ...	0
F. S. A. Barker (2 and 1) ...	1	A. H. Leathart	0
J. R. A. Stroyan	0	L. W. Webster (1 up) ...	1
H. L. G. Fry	0	James Hall (3 and 1) ...	1
H. W. Wightwick (halved) ...	0	B. Trayton Kenward (halved)	0
T. R. Hughes, K.C. (2 and 1)	1	C. V. Young	0
	2		4

FOURSOMES.

Donald and Hughes (3 and 1)	1	Bradley and Young ...	0
Roberts and Wightwick (3 and 2)	1	Beaumont and Kenward ... Drayton and Leathart (4 and 3)	0 1
Cohen and Fry	0	Webster and Hall ...	0
Barker and Stroyan (1 hole)	1		
	3		1

Trustee Stock Exchange Securities.

It is considered that it may be of service to some Members of the Profession to have before them a weekly list of certain Stock Exchange Trustee Securities. The first list is as follows :—

STOCK EXCHANGE PRICES OF CERTAIN TRUSTEE SECURITIES.

Bank Rate 3%. Next London Stock Exchange Settlement, Thursday, 31st May.

	Middle Price. 16th May.	Interest Yield. £ s. d.
English Government Securities.		
Consols 2½%	58⅝	4 5 6
War Loan 5% 1929-47	101½	4 19 0
War Loan 4½% 1925-45	98¾	4 11 0
War Loan 4% (Tax free) 1929-42	101	3 19 0
War Loan 3½% 1st March 1928	95½	3 14 0
Funding 4% Loan 1960-90	92⅝	4 6 6
Victory 4% Bonds (available at par for Estate Duty)	93¾	4 6 0
Conversion 3½% Loan 1961 or after	80½	4 7 0
Local Loans 3% 1912 or after	68⅝	4 7 6
India 5½% 15th January 1932	103½	5 6 6
India 4½% 1950-55	89¾	5 0 0
India 3½%	70½	4 19 6
India 3%	60½	4 19 0
Colonial Securities.		
British E. Africa 6% 1946-56	113¾	5 5 6
Jamaica 4½% 1941-71	99¾	4 10 0
New South Wales 5% 1932-42	102¼	4 18 0
New South Wales 4½% 1935-45	97	4 13 0
Queensland 4½% 1920-25	98	4 12 0
S. Australia 3½% 1926-36	87½	4 0 0
Victoria 5% 1932-42	102¼	4 18 0
New Zealand 4% 1929	95	4 4 0
Canada 3% 1938	81½	3 14 0
Cape of Good Hope 3½% 1929-49	82½	4 5 0
Corporation Stocks.		
Ldn. Cty. 2½% Con. Stk. after 1920 at option of Corpn.	56½	4 8 6
Ldn. Cty. 3% Con. Stk. after 1920 at option of Corpn.	68¼	4 8 0
Birmingham 3% on or after 1947 at option of Corpn.	68¼	4 8 0
Bristol 3½% 1925-65	78	4 10 0
Cardiff 3½% 1935	89⅜	3 17 6
Glasgow 2½% 1925-40	73¼	3 8 0
Liverpool 3½% on or after 1942 at option of Corpn.	79	4 9 0
Manchester 3% on or after 1941	68	4 8 0
Newcastle 3½% irredeemable	76½	4 11 6
Nottingham 3% irredeemable	68	4 8 0
Plymouth 3% 1920-60	69	4 7 0
Middlesex C.C. 3½% 1927-47	78½	4 9 0
English Railway Prior Charges.		
Gt. Western Rly. 4% Debenture	89	4 10 0
Gt. Western Rly. 5% Rent Charge	110	4 11 6
Gt. Western Rly. 5% Preference	106½	4 14 0
L. North Eastern Rly. 4% Debenture	89	4 10 0
L. North Eastern Rly. 4% Guaranteed	88	4 11 0
L. North Eastern Rly. 4% 1st Preference	85	4 14 0
L. Mid. & Scot. Rly. 4% Debenture	89	4 10 0
L. Mid. & Scot. Rly. 4% Guaranteed	88	4 11 0
L. Mid. & Scot. Rly. 4% Preference	85	4 14 0
Southern Railway 4% Debenture	89	4 10 0
Southern Railway 5% Guaranteed	108	4 12 0
Southern Railway 5% Preference	105½	4 15 0

Obituary.

Mr. Ralph Neville.

"S.B." writes to *The Times* :—With Ralph Neville, of Banstead Place, Surrey, who died in London recently, there passes a man of singular charm and of high character. Born in 1873, the only son of the late Mr. Justice Neville, and educated at Marlborough, and Trinity, Cambridge, he was called to the Bar in the late 'nineties. He practised in the Railway and Canal Commission Court, of which his uncle, Walter Macnamara, was Registrar, and later was appointed to a judicial post in Egypt, which after some years he was forced to resign for reasons of health. On his return to England he became J.P. and D.L. for Surrey, and Deputy-Chairman of Quarter Sessions. On the outbreak of war he joined the R.N.V.R. and was later on military representative at one of the Surrey tribunals of appeal. But of his services none stands so high as the part he played in the Cadet Corps movement. At his own cost he raised and maintained a company of boys in the East End of London. Neville was not only company commander, but the best friend those boys ever had. The extent of the help he gave them is known to none. He placed them in offices, he started them in trades, he provided capital for their businesses, and, most valuable of all, he taught them to be good citizens.

Legal News.

Business Changes.

Messrs. Birch & Birch, of Lichfield, have taken over the practice of the late Mr. George Ashmall, Solicitor, Lichfield, who died on the 1st March last.

General.

Mr. Arthur Browne, of Nottingham and Epperston, Notts, solicitor, left estate of gross value £10,192 (net personalty £8,568).

Mr. Charles Burgin (70), of Gray's Inn-place, W.C., and of Leatherhead, Surrey, solicitor, left estate of £20,371 (net personalty £18,215).

Mr. James William Walter, of Warlaby Lodge, Durham Road, Bromley, and of Temple Bar House, Fleet Street, E.C., solicitor, who died on the 15th November, left £86,564, with net personalty £76,941.

We regret that Sir Frederick Pollock, K.C., the eminent jurist, was knocked down by a cyclist near his home in Hyde Park Place and, striking his head in falling, was taken to St. George's Hospital unconscious. He has since, we understand, been making good progress towards recovery.

At Brighton on Wednesday, the 9th inst., Albert Edwards and his wife, Ida May Edwards, of Lincroft-street, Manchester, were committed for trial at the Quarter Sessions on charges arising out of the recent perambulator "race" from London to Brighton—Mrs. Edwards on a charge of wilfully ill-treating, neglecting, and exposing her baby boy, four months old, in a manner likely to cause it unnecessary suffering and injury to health, and her husband on a charge of aiding and abetting her, and also with causing or procuring the commission of the offence. The defendants, who were granted bail, reserved their defence.

The Times in its extracts from its issue of a century ago gives under date 12th May: On Friday morning, in the Court of King's Bench, an elderly lady went into the jury-box, *sans ceremone*, and seated herself as foreman of the jury. The jurymen seemed perfectly unconscious of the intrusion, as did the old lady herself. The ludicrous appearance of a jury so constituted produced an involuntary sensation of laughter throughout the court, until one of the officers glanced his eye at No. 13, when the astonished *Jurywoman* was abruptly, and not without some reluctance, peremptorily compelled to descend from her *extrajudicial* station.

Having served the office of Chief Clerk to the City Justices sitting at Guildhall since 1887, Mr. H. G. Savill, who recently underwent a somewhat serious operation, has retired. Educated at Chigwell School and the London University, Mr. Savill in 1873 obtained a Board of Trade clerkship after open competition. In 1878 he was appointed a clerk at Bow Street Police Court. Since then he has been at different courts of summary jurisdiction, till in 1887 he became chief at the Guildhall. Mr. L. Beeston, assistant clerk at the Mansion House Justice Room, has been appointed to succeed Mr Savill.

At Durham, on the 10th inst., the last septennial manorial court of Gilligate Manor, which dates back to the Norman conquest, was held by Mr. Ellis, steward for Lord Londonderry, Lord of the Manor. Mr. Ellis pointed out that owing to the provisions of the Law of Property Act all copyhold tenures would shortly be swept away, which meant that one of the last enchantments of the Middle Ages would be rudely dispelled. No longer would the lord, in this fashion, extend a protecting hand to his friends and vassals. Gilligate Manor came into the hands of an ancestor of the Londonderry family in the middle or latter part of the sixteenth century, and had passed down in an unbroken line of descent until it had become the property of the present Lord Londonderry.

The Times correspondent at The Hague, in a message of 14th inst., says: The judgment of the Court of The Hague in the case against William Nevens, manager of the Holland News Agency, which had been declared an urgent case, was given to-day. The charge against Nevens was that he had intercepted and sold wireless news reports sent out by the Trans-Ocean News Agency in Berlin and destined for the Vaz Dias News Agency at Amsterdam. Judgment was given against the defendant on all counts, and the Vaz Dias News Agency was given satisfaction in every respect. The President of the Court stated that Nevens had acted in bad faith and ordered him to pay some £2 for every news item which he had used.

Court Papers.

Summer Assizes.

Crown Office,
11th May, 1923.

Days and places fixed for holding the Summer Assizes, 1923.

NORTHERN CIRCUIT.

Mr. Justice Acton.
Mr. Justice Branson.

Monday, 28th May, at Appleby.
Thursday, 31st May, at Carlisle.
Monday, 4th June, at Lancaster.
Saturday, 9th June, at Liverpool.
Saturday, 30th June, at Manchester.

OXFORD CIRCUIT.

Mr. Justice Horridge.
Mr. Justice Roche.

Saturday, 26th May, at Reading.
Friday, 1st June, at Oxford.
Wednesday, 6th June, at Worcester.
Monday, 11th June, at Gloucester.
Friday, 15th June, at Monmouth.
Friday, 22nd June, at Hereford.
Wednesday, 27th June, at Shrewsbury.
Monday, 2nd July, at Stafford.

SOUTH-EASTERN CIRCUIT.

(First Portion).

Mr. Justice Lush.

Monday, 28th May, at Huntingdon.
Thursday, 31st May, at Cambridge.
Tuesday, 5th June, at Bury St. Edmunds.
Monday, 11th June, at Norwich.
Tuesday, 19th June, at Chelmsford.

WESTERN CIRCUIT.

Mr. Justice Darling.
Mr. Justice Coleridge.

Friday, 25th May, at Salisbury.
Wednesday, 30th May, at Dorchester.
Monday, 4th June, at Wells.
Monday, 11th June, at Bodmin.
Saturday, 16th June, at Exeter.
Monday, 25th June, at Bristol.
Saturday, 30th June, at Winchester.

MIDLAND CIRCUIT.

Mr. Justice Shearman.

Wednesday, 30th May, at Aylesbury.
Saturday, 2nd June, at Bedford.
Wednesday, 6th June, at Northampton.
Monday, 11th June, at Leicester.
Friday, 15th June, at Oakham.
Saturday, 16th June, at Lincoln.
Saturday, 23rd June, at Nottingham.
Saturday, 30th June, at Derby

Winding-up Notices.

JOINT STOCK COMPANIES.
LIMITED IN CHANCERY.
CREDITORS MUST SEND IN THEIR CLAIMS TO THE LIQUIDATOR AS NAMED ON OR BEFORE THE DATE MENTIONED.

London Gazette.—FRIDAY, May 11.

WESTERN HAULAGE CO. LTD. June 24. John G. Taylor, 28, Baldwin-st., Bristol.
WILLIAM HALL & SONS LTD. June 15. Lewis Vizard, 2, Clarence-parade, Cheltenham.
THE EGREMONT AND DISTRICT MOTOR AND CYCLE CO. LTD. May 30. William C. Sumner, Oddfellows' Hall, Lowther-st., Whitehaven.

London Gazette.—TUESDAY, May 15.

FRANK LONG & LLOYD LTD. June 16. Herbert A. Pepper, 14, Temple-st., Birmingham.
THE BRITISH BOND INSURANCE CORPORATION LTD. June 26. Eric B. Nathan, F.I.A., 26, Bedford-row.
HARRISON & HENRI LTD. May 27. Algernon O. Miles, 28, King-st., Cheapside.
LACEY & DAVIES, LTD. May 27. Algernon O. Miles, 28, King-st., E.C.
TIVIOT DALE PAPER CO. LTD. May 30. John F. Stott, 10, Norfolk-st., Manchester.
WALLING'S MOTOR ENGINEERING WORKS LTD. June 5. F. W. Palmer, J. F. Warburton, c/o W. Lees, 19, Queen-st., Oldham.

Resolutions for Winding-up Voluntarily.

London Gazette.—FRIDAY, May 4.

H. O. Thompson Ltd.
The Fabra Co. Ltd.
Hytner Ltd.
The Mappadi Wynaad Tea Co. Ltd.
Great Yarmouth Chicken Grit Manufacturing Co. Ltd.
The Wallardie Tea Estate. Ltd.
Food and Cookery Journal Ltd.
The East Indian Tea and Produce Co. Ltd.
Crittall Expanded Metal Co. Ltd.
Walkley Bros Ltd.
Harold Hudson Ltd.
Wood & James Ltd.
W. J. Bristow & Co. Ltd.
C. B. Leich & Co. Ltd.
T. Williams (Manchester) Ltd.
William Ehrhardt Ltd.
The Nesma Motor Co. Ltd.
A. J. Andrews Ltd.
British Legion (Consett Branch) Club Ltd.
Rawlinson Motors Ltd.
Bedford Marsh Estate Co. Ltd.
J. H. McBean Ltd.
Wearside Refining Co. Ltd.
Draycott & Hepworth Ltd.
Princes Electric Theatres Ltd.
Eclipse Machine Co. Ltd.
F. Abbott & Co. Ltd.
British Legion (Hanley) Club Ltd.

London Gazette.—TUESDAY, May 8.

T. H. Corlett & Co. Ltd.
The Worcestershire Exploration Syndicate Ltd.
The Canadian Building and Estate Co. Ltd.
M. Friedberg Ltd.
Unicorn Brewery Co. Ltd.
The Brodsworth and Adwick-le-Street Picture Palace Co. Ltd.
Climax Manufacturing Co. Ltd.
Bell Brothers Ltd.
Carlton Iron Co. Ltd.
C. W. Mackie, Gill & Co. Ltd.
Herrtage, Lester & Co. Ltd.
The Fylde Bacon Curing Co. Ltd.
Oak Wharf Ltd.
William Beattie & Co. (Bristol) Ltd.
The Bell (Bristol) Brewery Co. Ltd.
Ansell Mills & Co. Ltd.
Dolcoath Mine Ltd.
Sir B. Samuelson & Co. Ltd.
North Eastern Steel Co. Ltd.

London Gazette.—FRIDAY, May 11.

The Roe Upton & Co. Ltd.
Maison Yolande de Paris Ltd.
Dynevor Woollen Mills Ltd.
Murman Trading Co. Ltd.
J. F. Hotherington (Morpeth) Ltd.
The Boulder Exploration Syndicate Ltd.
Castle Food Co. Ltd.
Lune Mills Co. Ltd.
C. Groom Ltd.
Wallis Stott & Co. Ltd.
William Hall & Sons Ltd.
H. Brown & Co. (Hull) Ltd.
Lee, Fox & Co. Ltd.
Hall & Sons (Furnishers) Ltd.
Masons Arms Hotel Ltd.
New Ceylon Plantation Co. Ltd.
Colourcraft Ltd.
York House Hotel (Bath) Ltd.
Walter Walton & Sons (Manchester) Ltd.
J. B. Midgley Ltd.
Croggon & Sons Ltd.
W. Lane Ltd.
W. J. L. Robinson Ltd.
Egremont and District Motor and Cycle Co. Ltd.

London Gazette.—TUESDAY, May 15.

The "Old Toll-Gate" Wood Stain Co. Ltd.
Thos. Higson & Sons Ltd.
Treloch Motor Co. Ltd.
J. T. Booth & Co. Ltd.
Geo W. Plumtree Ltd.
Broadway Garage & Engineering Co. Ltd.
Walker Bros. & Mason Ltd.
T. C. Evans & Co. Ltd.
Attewell & Co. Ltd.
Robert Kershaw (Rochdale) Ltd.
The Brickfield Sick & Burial Society Ltd.
The Madeley Gas Light Co.
Tjidadap (Java) Plantation Co. Ltd.
United Refining Works Ltd.
The Combe Down Drug Stores Ltd.
Tiviot Dale Paper Co. Ltd.
Samuel Osborne (Chelsea) Ltd.
B. Whitaker & Sons Ltd.
James Riley (Colne) Ltd.
Radio Installations Ltd.
Pandan (Arcem) Syndicate Ltd.

Bankruptcy Notices.

RECEIVING ORDERS.

London Gazette.—FRIDAY, May 11.

ACKLAM, WILLIAM, Accrington, Gentleman's Outfitter. Blackburn. Pet. April 21. Ord May 8.
ACKROYD, HERBERT, Bradford, Stuff Merchant. Bradford. Pet. May 7. Ord. May 7.
ALLEN, WILLIAM H., Newport, Mon. Newport (Mon.). Pet. May 7. Ord. May 7.
AMSTEL, MICHAEL, Twickenham, Tobacconist. Brentford. Pet. April 4. Ord. May 7.
ANDREN, O., Great Grimsby, Sales Agent. Great Grimsby. Pet. April 27. Ord. May 9.
BAKER, GEORGE H., Huby, Yorks, Commission Agent. Leeds. Pet. March 15. Ord May 9.
BARBER, JAMES, South Shields, Billiard Hall Proprietor. Newcastle-upon-Tyne. Pet. May 5. Ord. May 5.
BARLOW, AQUILLA E., Great Easton, Leicester, Blacksmith, Leicester. Pet. May 9. Ord. May 9.
BAWES, ELIZABETH, Durham, General Dealer. Durham. Pet. May 7. Ord. May 9.
BIDDLE, W. H., New Broad-st., Company Director. High Court. Pet. March 8. Ord. May 8.
BINGHAM, CHARLES E., Tarporley, Chester, Grocer. Chester. Pet. May 7. Ord. May 7.
BOTT, ARTHUR S., Derby, Wholesale Optician. Derby. Pet. May 7. Ord. May 7.
BRIDGES, HAWORTH G., Sheffield, Automatic Scale Traveller. Sheffield. Pet. April 16. Ord. May 8.
BRIGGS, CLARENCE, Bradford, Photographer. Bradford. Pet. May 8. Ord. May 8.

BRUNT, REGINALD G., Halifax, Confectioner. Halifax Pet. May 7. Ord. May 7.
CHARNOCK, WILLIAM S., Alvechurch, nr. Birmingham, Farm Produce Dealer. Birmingham. Pet. May 7. Ord. May 7.
COMBER, H., Clarendon-ct., Maida Vale. High Court. Pet. April 12. Ord. May 8.
COOMBS, WILLIAM G., Bridport, Builder. Dorchester. Pet. April 23. Ord. May 7.
CORY, FREDERICK C., Broadstairs, Builder. Canterbury. Pet. March 29. Ord. May 9.
DOBSON, GEORGE, Dalby, Yorks, Farmer. York. Pet. May 8. Ord. May 8.
DOVEY, ALFRED R., Lincoln, Sugar Boiler. Lincoln. Pet. May 9. Ord. May 9.
FREEDMAN, BARNETT, Great Portland-st., Blouse and Mantle Manufacturer. High Court. Pet. April 19. Ord. May 8.
GILBERT, FRED, Hounslow, Baker. High Court. Pet. April 24. Ord. May 9.
GLAISTER, LEONARD, Bradford, Wool Merchant. Bradford. Pet. May 7. Ord. May 7.
GRANT, WILLIAM, the Elder, and GRANT, FRANK, Cottingham, Yorks, Coal Merchants. Kingston-upon-Hull. Pet. May 5. Ord. May 5.
GROSS, ALEXANDER, Fleet-st. High Court. Pet. Feb. 23. Ord. May 9.
HAMMETT, C. W., Brentwood, Coal Merchant. High Court. Pet. Feb. 28. Ord. May 9.
HARDY, FRED, Great Grimsby, Draper, Great Grimsby. Pet. May 9th. Ord. May 9.
HART, GEORGE F., Hinwick, Poddington, Innkeeper. Northampton. Pet. May 8. Ord. May 8.
HOTSON, BENJAMIN, Great Grimsby, Club Steward. Great Grimsby. Pet. May 9. Ord. May 9.
JENNINGS, FREDERICK J., Sale, Musician. Manchester. Pet. May 8. Ord. May 8.
JEWKES, SIMEON, Dudley, Baker. Dudley. Pet. May 5. Ord. May 5.
KELLY, WILLIAM, Worsborough Dale, Yorks, Motor Proprietor. Barnsley. Pet. May 7. Ord. May 7.
KOSSOFF, WOOLF, Hackney-rd. High Court. Pet. April 10. Ord. May 9.
LAKE, WILLIAM J., Warrington, Motor Haulage Contractor. Warrington. Pet. May 2. Ord. May 7.
LAWRENCE, FRANK, Northampton, Tailor. Northampton. Pet. May 5. Ord. May 5.
LEVEY, J. H., Hampstead. High Court. Pet. March 7. Ord. May 9.
LLOYD, MARY, West Bromwich. West Bromwich. Pet. May 7. Ord. May 7.
MARSON, EDWIN, Leeds. Draper. Bradford. Pet. May 9. Ord. May 9.
MARTIN, WILLIAM, Longton, Draper. Hanley. Pet. May 5. Ord. May 5.
MILLER, HERBERT M., Bournemouth, Costumier. Poole. Pet. May 5. Ord. May 5.
MUNRO, THOMAS S., Golders Green, Building Surveyor. Barnet. Pet. May 4. Ord. May 4.
O'KEEFE, JOHN C., Newport, Mon, Draper. Newport (Mon). Pet. April 13. Ord. May 7.
PARSONS, WILLIAM J., South Petherton, Somerset, Hairdresser. Yeovil. Pet. May 9. Ord. May 9.
PARTINGTON, THEODORE, Hindley Green, nr. Wigan, Licensed Victualler. Wigan. Pet. May 8. Ord. May 8.
PRESTON, MAURICE, Preston, Furniture Packer. Preston. Pet. May 8. Ord. May 8.
REVILL, ALFRED, Sheffield, Tailor. Sheffield. Pet. May 7. Ord. May 7.
ROBINSON, W., Vale-st., West End-lane. High Court. Pet. Nov. 7. Ord. May 7.
RUSSELL, ROBERT, Thirsk, Merchant. Northallerton. Pet. May 8. Ord. May 8.
SAVAGE, GEORGE I., Thurnscoe, nr. Rotherham, Greengrocer. Sheffield. Pet. May 7. Ord. May 7.
SELVESTER RICHARD, Hopwas, Staffs., Farmer. Birmingham. Pet. May 9. Ord. May 9.
SHEAD, F., Homerton, Pianoforte Manufacturer. High Court. Pet. April 13. Ord. May 7.
SOMMERVILLE, WILLIAM, Gildersome, Yorks, Accountant. Leeds. Pet. May 4. Ord. May 4.
SUTTON, SAMUEL, Milnrow, nr. Rochdale, Blacksmith. Rochdale. Pet. May 8. Ord. May 8.
TABAH, EZRA, Manchester, Merchant. Manchester. Pet. April 20. Ord. May 9.
TENNICK, JOHN H., Hunwick, nr. Willington, Motor 'Bus Proprietor. Durham. Pet. May 9. Ord. May 9.
THE STANDARD WOOLLENS CO., East Sheen. High Court. Pet. March 5. Ord. May 7.
THOMAS, DAVID J., Velindre, Carmarthenshire, Grocer. Carmarthen. Pet. May 9. Ord. May 9.
THORNE, GEORGE J. C., and THORNE, ALBERT H., High-st., Notting Hill Gate, Electrical Engineers. High Court. Pet. May 9. Ord. May 9.
VAUGHAN, GEORGE T., Minster, Kent, Motor Engineer. Canterbury. Pet. May 7. Ord. May 7.
VEVERS, JOSEPH, Maidenhead, Builder. Windsor. Pet. May 8. Ord. May 8.
WAITE, FANNY, Sheffield, Draper. Sheffield. Pet. May 7. Ord. May 7.
WALKER, JOHN W., Hook, nr. Goole, Licensed Victualler. Wakefield. Pet. May 8. Ord. May 8.
WATKINS, EMILY A., Mardy, Glam., General Dealer. Pontypridd. Pet. May 7. Ord. May 7.
WELLARD, CHARLES E., Chumleigh, Baker. Barnstaple. Pet. May 5. Ord. May 5.
WELLS, HARRY J., Luton, Upholsterer and Cabinet Maker. Luton. Pet. April 19. Ord. May 8.
WILKINSON, SAM G., Harrow, Electrician. St. Albans. Pet. May 4. Ord. May 7.
WILSON, ALBERT E., Rochdale, Foundry Manager. Rochdale. Pet. May 5. Ord. May 5.
WILSON, WILLIAM, Liverpool-rd., N.1, General Merchant. High Court. Pet. May 7. Ord. May 7.

London Gazette.—TUESDAY, May 15.

ABSOLOM-AMBERLEY, CLAUDE F., West Ealing, Tobacco Dealer. Brentford. Pet. April 13. Ord. May 8.
ADAMSON, JOHN N., Kingston-upon-Hull, Labour Contractor. Kingston-upon-Hull. Pet. May 12. Ord. May 12.
ADCOCK, WILLIAM, Newark-on-Trent, Tobacconist. Nottingham. Pet. May 10. Ord. May 10.
ATKINSON, WILLIAM L., Barrowford, Lancs, Cloth Merchant. Burnley. Pet. April 6. Ord. May 8.
BANKS, PERCY G., Enfield, Chimney Sweep. Edmonton. Pet. May 9. Ord. May 9.
BAXTER, HERBERT, Bradford, Motor Engineer. Bradford. Pet. May 12. Ord. May 12.
BAYES, JOHN W., Darlington, Tobacconist. Stockton-on-Tees. Pet. May 10. Ord. May 10.
BILLINGS, JOHN B., Leicester, Hosiery Factor. Leicester. Pet. May 1. Ord. May 11.
BOW, GEORGE H., Starcross, Devon, Motor Mechanic. Exeter. Pet. May 11. Ord. May 11.
BRADLEY, JOHN, Long Preston, Yorks, Farmer. Bradford Pet. May 10. Ord. May 10.
BROOKS, ARTHUR J., Newton Abbot, Painter. Exeter. Pet. May 12. Ord. May 12.
CLARK, GEORGE, Aspatria, Motor Engineer. Carlisle. Pet. May 10. Ord. May 10.
COLE, ROBERT, Hungerford, Miller. Newbury. Pet. May 10. Ord. May 10.
COLLIS, CHARLES G., Bedford, Coal Merchant. Bedford. Pet. April 13. Ord. May 11.
COUPLAND, GEORGE, Pelham Lands, Lincs, Grocer. Boston. Pet. May 8. Ord. May 8.
DUIGNAN, ARTHUR B., Burchett's Green, Berks. Reading. Pet. April 25. Ord. May 12.
EISEN, M. Bethnal Green, Timber Merchant. High Court. Pet. March 3. Ord. May 11.
HOBSON, THOMAS K., Long Eaton, Lace Manufacturer. Derby. Pet. May 11. Ord. May 11.
JACKSON, HARRY, Birmingham, Civil Engineer. Birmingham. Pet. May 11. Ord. May 11.
JAMES, LEVI, Brynhyfryd, Swansea, Copper Worker. Swansea. Pet. May 10. Ord. May 10.
JAMES, RUPERT E., Manchester, Engineer. Manchester. Pet. May 10. Ord. May 10.
JOWETT, FRED, Leeds, Confectioner. Leeds. Pet. May 10. Ord. May 10.
LAWRENCE, EBENEZER, Llanrhian, Letterston, Coal Merchant. Haverfordwest. Pet. May 12. Ord. May 12.
LEARNER, ARNOLD, Gateshead, Clothing Manufacturer. Newcastle-upon-Tyne. Pet. May 10. Ord. May 10.
LONGSTAFF, ARTHUR, 37, Walbrook. High Court. Pet. Dec. 7. Ord. May 9.
MADLEY, JAMES, and MADLEY, WILLIS, Cardiff, Furniture Dealers. Cardiff. Pet. May 9. Ord. May 9.
MORAN, EDWARD, and TONGE, RALPH, Bolton, Toy Dealers. Bolton. Pet. May 10. Ord. May 10.
MYERS, MAURICE, Birmingham. Birmingham. Pet. April 18. Ord. May 10.
OPENSHAW, JAMES B., Preston, Plaster Doll Manufacturer. Preston. Pet. April 7. Ord. May 10.
PEIRSON, WILLIAM A., Eaton, Joiner. Middlesbrough. Pet. May 10. Ord. May 10.
PETTITT, ERNEST R., Hellingly, Sussex, Builder. Eastbourne. Pet. April 28. Ord. May 11.
PHILLIPPS, ELSIE I., Bristol, Pharmacist. Bristol. Pet. May 11. Ord. May 11.
PITHEY & CO., H. V., Great Pulteney-st., W., Electro Platers. High Court. Pet. May 3. Ord. May 10.
PRESTON, WALLACE, Liversedge, Yorks, Haulage Contractor. Dewsbury. Pet. May 10. Ord. May 10.
READ, HUGH M., Fenchurch-st., Company Director. High Court. Pet. April 10. Ord. May 10.
REES, PERCY, Shaw, Lancs, Bricksetter's Labourer Oldham. Pet. May 11. Ord. May 11.
SMITH, CHARLES W., Sleaford, Motor Engineer. Boston. Pet. May 10. Ord. May 10.
SPRATT, H. T. H., Oxford-st., Company Manager. High Court. Pet. Jan. 29. Ord. May 10.
STEPHENSON, EDWARD, Stockton-on-Tees, Wholesale Confectioner. Stockton-on-Tees. Pet. May 10. Ord. May 10.
THOMAS, WILLIAM, Llanedeyrne, Glam., Market Gardener. Cardiff. Pet. May 8 Ord. May 8.
THORP, MARY A., Whittington Moor, Derby, Coal Dealer. Chesterfield. Pet. May 11. Ord. May 11.
WALL, ROBERT, Hereford, Fish and Chip Frier. Hereford. Pet. May 11. Ord. May 11.
WARRIN, PERCY, Harrow, Ladies' Tailor. St. Albans. Pet. April 19. Ord. May 9.
WEALE, RICHARD B., Bitterley, Salop, Farm Labourer. Leominster. Pet. May 11 Ord May 11.
WEIL, SAMUEL, Coptic-st., Merchant. High Court. Pet. April 10. Ord. May 10.
WOODHEAD, GEORGE H., Halifax, Manufacturing Agent. Manchester. Pet. May 11. Ord. May 11.